Wednesday
25th August, 1948

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(PART I—QUESTIONS AND ANSWERS)
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(PART I—QUESTIONS AND ANSWERS.)

Wednesday, 25th August, 1948.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

REGISTRATION OF REFUGEES ON ELECTORAL ROLLS UNDER NEW CONSTITUTION

462. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Law be pleased to state whether it is a fact that for the preparation of electoral rolls under the new Constitution some provincial Governments have ordered the enrolment of only those persons who had a place of residence for a period of not less than 180 days in the financial year ended March 1948?

(b) If so, are Government aware that this will debar millions of voters who have migrated from one dominion to the other after partition and who have not been able to find a permanent residence for 180 days before March 1948?

(c) If so, what steps do Government intend to take to see that all such voters' names are recorded in the roll?

The Honourable Dr. B. R. Ambedkar: (a) This is substantially correct.

(b) and (c). Instructions have already been issued by the Secretariat of the Constituent Assembly to all the Provincial and State Governments that as the rolls that are under preparation are only the preliminary rolls, displaced persons should be tentatively registered on a mere declaration by them of their intention to reside permanently in the locality to which the rolls relate, irrespective of the period of their actual residence. The honourable member's attention is invited to the Press Note issued by that Secretariat on the 15th July last, a copy of which will be found in the library of the House.

Shri H. V. Kamath: Arising, Sir, out of answer to part (a) of the Question, is it a place of residence that is required or is it continuous residence in a place for not less than 180 days?

The Honourable Dr. B. R. Ambedkar: Continuous residence for 180 days.

Shri H. V. Kamath: Then what about, say, a member of this Assembly who has to go from place to place?

The Honourable Dr. B. R. Ambedkar: He does not seem to be resident.

Shri Upendranath Barman: Will the Honourable Minister please tell the House whether the attention of Government has been drawn to a circular Memo. No. 988-A.R., dated 20th July, 1948 issued by the West Bengal Government that in order to acquire citizenship of India a refugee must file an affidavit with a stamp of rupees two in each case, and that that is causing dissatisfaction?

The Honourable Dr. B. R. Ambedkar: I am not aware of the circular, but if there is such a circular it is not in contradiction with the instructions that have been issued that any refugee who makes a declaration of his intention to reside permanently may be enrolled irrespective of the number of days.

Mr. Tajamul Husain: May we know by when the new electoral rolls will be ready and by when the new elections under the new Constitution will be held?

The Honourable Dr. B. R. Ambedkar: I am unable to give any information on that subject to my friend at this stage.

Shri Mihir Lal Chattopadhyay: Arising out of the answer given by the Honourable Minister that a simple declaration will do and that no affidavit is necessary, will the Honourable Minister inform the Government of West Bengal that necessary steps should be taken to that effect?

Mr. Speaker: Order, order . . . . . .

The Honourable Dr. B. R. Ambedkar: Declaration itself is an affidavit.

Dr. B. Pattabhi Sitaramayya: Is it not a fact that "residence" has been defined in certain Provinces, particularly in Madras, as that a man need not reside but must have a place to go to?

The Honourable Dr. B. R. Ambedkar: That is quite right.

Shri M. Tirumala Rao: Is it what is called "constructive residence"?

Mr. Speaker: I do not propose to allow questions to discuss legal opinions.

Shri Biswanath Das: Have Government got in view the stages that are necessary to be effected with regard to the question of elections, namely the delimitation of constituencies, preparation of electoral rolls and the like?

The Honourable Dr. B. R. Ambedkar: I suppose so.

Mr. R. K. Sidhva: In regard to displaced persons who have to register their names, may I know whether at the time of declaration any stamps will be necessary?

Mr. Speaker: These are questions of opinion; he may refer to the stamp law.

Mr. R. K. Sidhva: I want information as to whether when a displaced person goes to have his name registered he will require to have stamps affixed.

Mr. Speaker: But that is a question under the stamp law of the Province.

Mr. R. K. Sidhva: But I want to know, Sir, ...

Mr. Speaker: That is a question of legal opinion.

Shri Biswanath Das: With reference to the answer to my previous question, will Government kindly indicate the stages which they have in view.

The Honourable Dr. B. R. Ambedkar: Sir, I do not understand the question, but so far as one can draw on one's own experience as a politician who has fought the elections, I can say there are various stages. There is the preparation of rolls, after the rolls are prepared there is the election, and the election ends either with nomination when there is no contest, or, when there is a contest there is an election.

Shri Biswanath Das: I want to know whether or not delimitation of constituencies is a necessary stage.

The Honourable Dr. B. R. Ambedkar: Of course it is.

Shri Biswanath Das: If so, may I know whether Government have thought of it and whether they have taken any step in this regard?

The Honourable Dr. B. R. Ambedkar: I am sure about it that the Provinces must have delimited the constituencies; without doing that they could not have prepared the rolls.

Prof. Shibban Lal Saksena: Will the Honourable Minister inform the House whether persons having two residences will have their names registered in both the places or in only one?

The Honourable Dr. B. R. Ambedkar: I cannot say definitely, but I am sure that no person will be allowed to have a plurality of votes.

Prof. Shibban Lal Saksena: Will they have the choice to be in any of the constituencies?

The Honourable Dr. B. R. Ambedkar: It will be for Mr. Saksena to have an application put in and have his name registered in one particular place.

STATE AIDED COMPANIES FOR DEVELOPMENT OF INDIAN SHIPPING

463. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Commerce be pleased to state whether Government have under contemplation the formation of a State Aided Company for the development of Indian Shipping?

(b) If so, what are the proposals?

(c) What is the proposed capital and whether Managing Agency system is to be introduced?

(d) If so, why? What are the terms of the Managing Agency?

(e) When is the scheme likely to materialise and at what place is the construction of ship building likely to take place?

(f) What is the target aimed at and how many years' programme is contemplated?

The Honourable Shri K. C. Neogy: (a) Yes.

(b), (c) and (d). At present it is proposed to have two or three Shipping Corporations with an authorised capital of ten crores each registered under the Indian Companies Act. Government will be a major shareholder in these Corporations. The Managing Agents will subscribe a proportion of the capital and a percentage will also be offered to the public for subscription. The Corporations will operate ships in the overseas trades and as this is a highly competitive field, their management, will be entrusted to Managing Agents who will be selected as far as possible from shipping companies with such experience. The terms of the Managing Agency are still under negotiation and have not been finalised.

(e) and (f). The first of these Corporations is likely to be registered before the end of 1948. The Corporations referred to in my reply to parts (a), (b) and (c) will only operate ships and will not engage in the construction of ships. The Honourable Minister for Industry and Supply is in charge of the subject of shipbuilding and questions on that subject should be addressed to him.

Mr. R. K. Sidhva: What are the names of the steamship companies who desire to form this Corporation, Sir?

The Honourable Shri K. C. Neogy: The three Companies are as follows:— The Scindia Steam Navigation Company, The India Steam Navigation Company, and The Bharat Line Ltd.

Mr. R. K. Sidhva: Arising out of (c) may I know whether the Government intend to continue the managing agency system?

The Honourable Shri K. C. Neogy: Well, up to a period.

Mr. R. K. Sidhva: May I know whether the Government of India have abolished the managing agency system in the insurance companies and whether they contemplate abolishing it in banking also?

The Honourable Shri K. C. Neogy: That has hardly anything to do with shipping. As a matter of fact, I have already stated the special reasons why the managing agency system is going to be accepted in the case of these overseas shipping corporations.

Mr. R. K. Sidhva: May I know those reasons which necessitate Government to continue the managing agency system for shipping companies?

The Honourable Shri K. C. Neogy: The reasons are, as I have already stated, that these are highly competitive fields—the overseas shipping trade—and we require specialised experience to run these concerns, at least for the first few years. Moreover, by engaging experienced people, we may minimise the chances of Government incurring any loss.

Mr. R. K. Sidhva: Can it not be replaced by managing directors instead of managing agency for the purpose of minimising the loss to which the Honourable Minister referred?

Mr. Speaker: Order, order. It is a question of opinion and argument.

Shri T. T. Krishnamachari: May I ask the Honourable Minister if, in view of the large capital commitment on the part of Government, he thinks that there Companies being incorporated under the Indian Companies Act provides adequate protection?

The Honourable Shri K. C. Neogy: I think on the whole it does.

Seth Govind Das: May I know, Sir, when the Government are going to be the major shareholder in these concerns, are they also going to get a share in the managing agent's profits also?

The Honourable Shri K. C. Neogy: As I said, the terms of the Agreement between Government and the Managing Agents are under discussion and I may add for the information of my honourable friends that within a few days the whole picture including the proposed terms of the managing agency will be placed by me before the Standing Advisory Committee attached to my Ministry.

Seth Govind Das: Is this point also under consideration in that agreement—whether the Government should have any share in the profits of the managing agency?

The Honourable Shri K. C. Neogy: Well, as I said, these terms are under discussion and as far as I recollect, Government is not likely to participate in the profits of the managing agency itself, but these terms are under examination and will be further examined by the Committee of this House.

Shri M. Tirumala Rao: Are any foreign agents or foreign capitalists taken into the managing agency of these firms?

The Honourable Shri K. C. Neogy: I do not think so.

Shri M. Tirumala Rao: Have Government prescribed any rules under which no foreigner may be taken into the managing agency of these firms?

The Honourable Shri K. C. Neogy: When we finalise our terms of agreement with the Managing Agents and when the time comes for us to finally negotiate the terms with them, all these questions will be taken into account.

Mr. R. K. Sidhva: May I know the total number of the Board of Directors of these concerns and how many seats will be held on behalf of Government?

The Honourable Shri K. C. Neogy: I am afraid I have not got all the figures before me just at the moment. As a matter of fact, the strength of the Directorate is under discussion.

Shri T. T. Krishnamachari: May I ask the Honourable Minister if he is aware that being incorporated under the Indian Companies Act any shareholder can bring the Company into liquidation and what will be position of the Government under those circumstances?

The Honourable Shri K. C. Neogy: That is a matter that will certainly be examined.

Prof. Shibban Lal Saksena: Will the Honourable Minister assure us that in the proposed agreement he will ensure that the majority of the shares will be held by Government?

The Honourable Shri K. C. Neogy: That I have already said. That is so.

Shri B. Das: In fixing the various managing agents, will Government bear in mind that those managing agents who indulge in speculation on Stock Exchanges should be discouraged and discarded?

Mr. Speaker: Order, order.

Shri R. R. Diwakar: In view of the fact that these shipping companies will be a public utility concern, will the Government be careful enough to see that full control will be in the hands of the Government?

The Honourable Shri K. C. Neogy: Oh, yes. As a matter of fact, it is proposed to have a Government Director apart from other Directors on the Board, who will enjoy certain special powers.

Shri T. T. Krishnamachari: May I ask the Honourable Minister if he has considered the desirability of making these shipping Corporations statutory Corporations?

The Honourable Shri K. C. Neogy: This was, I think, considered in the past in connection with the Air Company to which Government are a party and in the capital of which Government have also participated. I think we are perfectly safe in adopting that as the model for the Shipping Corporations.

Seth Govind Das: In spite of the fact that the Government are not going to get any profit in the managing agency, are Government going to appoint any representative as far as the managing agency is concerned, so that the day to day management may be seen and controlled by Government?

The Honourable Shri K. C. Neogy: I do not know what my honourable friend means. The managing agency is an independent concern, but as I have already stated, apart from the complement of Government Directors on the Board there will be one Director specially designated as Government Director who will be charged with certain special functions and will have certain special powers.

Mr. R. K. Sidhva: I wanted to know . . . . . .

Mr. Speaker: I am calling the next question.

POLICY *RE* GRANT OF IMPORT LICENSES.

464. *Mr. R. K. Sidhva: (*a*) Will the Honourable Minister of Commerce be pleased to state whether it is a fact that Government have announced that henceforth their policy will be to see that grant of licenses for imports of articles would be more liberalised?

(b) Is it a fact that serious complaints have been lodged with Government to the effect that licenses are not available and that small traders do not get a fair deal?

(c) Have Government revised their policy in that direction?

(d) If so, what is it?

The Honourable Shri K. C. Neogy: (a) Owing to the easier exchange position with regard to soft currency areas, Sweden and Switzerland, it has been possible to liberalise import control policy in respect of imports from these countries. The extent of this liberalisation has been announced in the issue of Open General Licences XI and XII issued on the 3rd and 22nd July 1948 respectively and in the comprehensive Public Notice in the *Gazette of India* Extraordinary of the 29th July 1948. I may add that the liberalisation of import trade control measures is the subject of constant study by Government and that the question of further relaxation is at present under consideration.

(b) Complaints are received from time to time from unsuccessful applicants and the cases are fully re-examined and action is taken as expeditiously as possible. Government are not aware of any complaints that small traders who are otherwise eligible to get licences on the basis of past imports did not get a fair dealing. If the honourable member quotes specific cases in which small traders did not receive fair treatment, I shall have such cases looked into.

(c) and (d). Do not arise.

Mr. R. K. Sidhva: May I know, arising out of answer to part (b), how many licences were issued in the month of July 1948 as compared with July 1947?

The Honourable Shri K. C. Neogy: I am afraid I have not got the figures before me.

Mr. R. K. Sidhva: Is it not a fact that some small traders have actually complained to the Government regarding the non-availability of these licences?

The Honourable Shri K. C. Neogy: I receive so many complaints, not merely from the small traders but also from very big traders who complained that the favourable position which they enjoyed in this trade is being reduced.

Mr. R. K. Sidhva: My point is whether the small traders who do not enjoy the monopoly in certain articles are refused licences.

The Honourable Shri K. C. Neogy: Not at all. As I said, licences are granted on the basis of past performance. One has to prove to the satisfaction of the officers concerned as to whether he was in the trade and what was the volume of trade that he handled in the past. It is on the basis of this information that licences are generally issued.

Mr. R. K. Sidhva: Has the Honourable Minister fully satisfied himself that favouritism and corruption have been reduced as compared to last year?

The Honourable Shri K. C. Neogy: I want to be very frank with the House. When I took over charge, I cannot say that I was satisfied that all was well. I can assure the House that I have taken the fullest precautions to see that these complaints are reduced to the minimum. Apart from devoting considerable time of my own to an investigation of individual complaints, I have recently appointed a Special Officer, a retired Accountant-General, whose only work is to enquire into complaints and he is expected to go from place to place, visit all the different port towns where our offices are located, apart from Delhi, and look into these complaints, discuss matters with the local officers and dispose of these complaints on the spot as far as possible, and keep me informed about the progress of things.

Prof. N. G. Ranga: Are these steps intended to embrace export licences as well?

The Honourable Shri K. C. Neogy: Yes, surely.

Prof. N. G. Ranga: Will Government consider the advisability of showing some preference to agricultural co-operatives to import agricultural machinery and fertilizers etc.?

The Honourable Shri K. C. Neogy: Yes, that I will surely consider, but I take it my honourable friend is asking me about the importation of such articles.

Prof. N. G. Ranga: Yes.

Prof. Shibban Lal Saksena: Will the Honourable Minister assure us that these import licences will be issued in the majority of the cases for capital goods and not for consumer goods?

The Honourable Shri K. C. Neogy: There are so many varieties of goods that it would be difficult for me to particularise. As a matter of fact, consumer goods are in as great a demand as capital goods, but so far as approved capital goods are concerned, there is hardly any restriction on their import.

Prof. Shibban Lal Saksena: Is there any policy in this regard about percentage of capital goods and consumer goods?

The Honourable Shri K. C. Neogy: I think I have stated more than once before that so far as the capital goods are concerned, the policy is as liberal as it can possibly be. So far as consumer goods are concerned, as I have indicated,

we have started liberalizing our policy and the question of further liberalization is under discussion, and my honourable friend would realize that this question of liberalization of the policy in respect of the importation of consumer goods has some bearing upon the present economic situation and this question will, therefore, be considered in the wider context of fighting inflation.

Prof. Shibban Lal Saksena: Will the Honourable Minister assure us that our entire Sterling Balances will not be exhausted by the importation of consumer goods?

The Honourable Shri K. C. Neogy: There will be some amount of discrimination exercised.

Srijut Rohini Kumar Chaudhuri: May I know if the policy enunciated by the Honourable Minister also apply to the imports from the Pakistan territory?

The Honourable Shri K. C. Neogy: That is rather a difficult question, but the general policies do apply; if my honourable friend were to mention to me any particular article, I would certainly give him a full reply.

Shri L. Krishnaswami Bharathi: Apart from the usual traders, may I know, Sir, whether there is any quota fixed for new-comers?

The Honourable Shri K. C. Neogy: Yes. There is no definite quota as far as I am aware, but new-comers are certainly eligible for such licences. My honourable friend would realize that it is those who are well established in the business that alone can prove definite contacts with the foreign suppliers and that certainly would weigh with the authorities concerned.

DELEGATION TO EGYPT FOR PURCHASE OF LONG STAPLE COTTON.

485. *Mr. R. K. Sidhva: (a) Will the Honourable Minister of Commerce be pleased to state whether the Government of India have sent a delegation to Egypt to negotiate the purchase of long staple cotton in return for jute and tea?

(b) Is it a fact that Government have by correspondence come to know the views of the Egyptian Government on this matter?

(c) If so, what are the advantages of sending a delegation?

(d) What was the advantage gained by sending a delegation as against ascertaining the views of the Egyptian Government by correspondence at Government level?

(e) What is the total cost of the delegation?

The Honourable Shri K. C. Neogy: (a) Yes.

(b) to (d). As correspondence revealed that the Egyptian Government were agreeable to discussing barter arrangements for their cotton against supplies of jute goods, tea, oilseeds, etc. from India and such matters could more effectively be decided on the spot rather than by long range correspondence, it was decided to despatch a delegation to Cairo for this purpose. I am sure the honourable member will agree that resort to correspondence for settling details of barter arrangements is scarcely a satisfactory manner of doing business, and that where barter transactions between two Governments are involved covering a wide range of commodities, a personal exchange of views would be a more effective method of conducting such negotiations, particularly when the ground has been prepared by preliminary correspondence as was done in this case.

(e) About Rs. 12,500.

Mr. R. K. Sidhva: What is the result of the Delegation's visit?

The Honourable Shri K. C. Neogy: The result has not been very satisfactory. As a matter of fact, what we found was that although we were informed by our Embassy and also by an officer of Government who happened to visit Egypt that they were keen on having a discussion on these questions, by the time the Delegation arrived in Cairo, some change in the political atmosphere appears to

have taken place. They were not, therefore, as keen ou having the goods that they wanted in the beginning as they were when the negotiations started. Therefore, the Delegation did not prove an immediate success, but after their return, talks have been resumed.

Mr. R. K. Sidhva: May I know the result? Do Government expect any good result from the talks or have the negotiations broken down?

The Honourable Shri K. C. Neogy: The negotiations, as a matter of fact, have started recently again and I hope that they will lead to some tangible results.

Shri H. V. Kamath: What was the personnel of the Delegation, Sir?

The Honourable Shri K. C. Neogy: In the Delegation there was Mr. Kasturibhai Lallbhai, as Leader of the Delegation—I forget the other names and I have not got them here—there was some one representing the jute trade, some one representing the tea trade, because these were the articles principally concerned, and we had an officer of our own accompanying the Delegation.

Shri H. V. Kamath: Was our Ambassador at Cairo consulted before the Delegation was sent?

The Honourable Shri K. C. Neogy: It is not a question of consulting the Ambassador. It is on a report from the Embassy that the Egyptian Government would be agreeable to receive an Indian Delegation to negotiate these questions that the matter was taken up seriously for consideration. Then, as I have said, an officer of the Finance Ministry who passed through Egypt on his way to the Sterling Balances discussions in London, sent a lengthy report, indicating the requirements of the Egyptian Government and advising us to send a delegation.

Mr. Tajamul Husain: May I know, Sir, why this work could not have been done by the Indian Embassy at Cairo?

The Honourable Shri K. C. Neogy: This requires a specialised knowledge of the various commodities in which we are interested either for the purpose of exporting or for the purpose of importing. The principal object was to get cotton from Egypt, and we necessarily wanted to have some one who knew something about cotton and likewise as we have to offer jute in exchange for cotton, we thought of sending some one who knew something about jute, and all this knowledge cannot possibly be possessed by an ambassador, however eminent he may otherwise be.

Srijut Rohini Kumar Chaudhuri: May I know, Sir, particularly who was the gentleman sent and who was interested in Tea.

The Honourable Shri K. C. Neogy: Mr. Ghose.

Shri Suresh Chandra Majumdar: May I know if the Government have sent to any other country any delegates for the purchase of long staple cotton?

The Honourable Shri K. C. Neogy: Yes. I think some time before I took over charge, a similar delegation went, but I am not very definite about it.

Shri Suresh Chandra Majumdar: Have any attempts been made to secure long staple cotton from Pakistan?

The Honourable Shri K. C. Neogy: Yes. As a matter of fact, there is an agreement subsisting between us and Pakistan in the matter of supplying certain varieties of cotton.

Shri Suresh Chandra Majumdar: Is the Government aware that Pakistan has been negotiating for the sale of the whole crop of her raw cotton with Soviet Russia and even sold it to her?

The Honourable Shri K. C. Neogy: I am not in a position to subscribe to that statement, because it is a definite agreement to which Pakistan is a party

in respect of supply of stated quantity of raw cotton to us. As a matter of fact, they expect us to supply Pakistan with a quantity of cotton textiles more or less as a *quid pro quo*.

ASSURANCES TO STUDENTS OF CAMP COLLEGE, NEW DELHI *RE* LOANS AND HOUSING FACILITIES BY RELIEF AND REHABILITATION COMMISSIONER

†466. ***Giani Gurmukh Singh Musafir:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the terms of the compromise arrived at between students of East Punjab University Camp College, New Delhi and the Relief and Rehabilitation Commissioner Delhi; and

(b) the steps so far taken by Government to implement them, with regard to the demand of students for loans and housing facilities?

The Honourable Shri Mohan Lal Saksena: (a) There was no compromise arrived at between the Relief and Rehabilitation Commissioner, Delhi, and the students of East Punjab Camp College.

The Relief and Rehabilitation Commissioner did, however, assure the students: (i) that he would be able to accommodate three hundred students by the time the college re-opened, (ii) that loan applications of the 2nd, 4th and 6th year students which might be recommended by the Principal, East Punjab University Camp College, would be disposed of as soon as these are received by him as he had already done in the case of 419 students, and (iii) that he would forward to Government the cases of 1st, 3rd and 5th year students who had joined the college on the basis of social service diplomas or degrees, with recommendations of the Delhi Rehabilitation Board.

(b) (i) *Loans.*—Since the 1st strike was called off, cheques for a total sum of Rs. 14,550 have been issued for disbursement amongst 79 students, whose applications were received, duly recommended by the Principal, East Punjab University Camp College.

(ii) *Accommodation.*—The students were offered Dujana House but that was not acceptable to them. In the absence of other building accommodation, they were offered tents: but the same was declined by them.

BUILDING CONTRACT OF NANGAL AND BHAKRA DAM PROJECTS TO AMERICAN CONCERN

467. ***Giani Gurmukh Singh Musafir:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether it is a fact that recently the Government of India have suggested giving over the entire construction work on Nangal and Bhakra Dam Projects to some American concern;

(b) if the answer to part (a) above be in the affirmative, the reasons that prompted the Government of India to make such a suggestion; and

(c) the reply of the Government of East Punjab to the suggestion.

The Honourable Shri N. V. Gadgil: (a) to (c). Various aspects of the Bhakra Dam project, including the agency for construction have been under discussion with the Government of the East Punjab and the Governments of certain States within the Indian Union which are interested in this project. The technical details of the project are now being revised by the East Punjab Government in consultation with the technical experts of the States concerned. A further conference is then proposed to be held between the representatives of the Governments concerned at which the various issues will be discussed with a view to agreed decisions.

Government do not consider it desirable to publicise at this stage the interim views held by any of the participating units. The Government of India are

†Question not called as the questioner not being in his proper seat.

extremely anxious that both the Nangal and Bhakra Dam projects should be executed as early as possible and all the other participating units share this view.

RESETTLEMENT OF MEOS IN MATSYA UNION

468. *Giani Gurmukh Singh Musafir: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the area and the total annual yield of the land abandoned by Meos in Matsya Union;

(b) whether it is a fact that the Meos of these areas, now living in Gurgoan, have expressed a desire to go back to their land;

(c) whether the Government of the Matsya Union are prepared to take them back;

(d) the decision of the Government of India on this question;

(e) the steps taken to implement the same; and

(f) the number of those who will be settled during the current rainy season so as to enable them to sow the next crop?

The Honourable Shri Mohan Lal Saksena: (a) The total cultivated area abandoned by Meos in the Matsya Union is approximately four lakhs acres with an estimated annual yield of 1,40,000 tons.

(b) Some Matsya Union Meos, now living in Gurgaon, have expressed a desire to go back to Matsya Union.

(c) to (f). A Committee has been appointed to submit a scheme for the resettlement of displaced Matsya Union Meos, now in Gurgaon district. The Committee is expected to submit its report during the next few weeks. On the receipt of the report of the Committee Government will take appropriate action.

IMPLEMENTATION OF DECISIONS WITH PAKISTAN RE REFUGEES' PROBLEMS.

469. *Giani Gurmukh Singh Musafir: Will the Honourable Minister Without Portfolio be pleased to state:

(a) the decisions arrived at between the Government of India and the Government of Pakistan on various problems relating to refugees, their evacuation and their property;

(b) the action taken by both the Governments towards implementing each decision; and

(c) the steps taken by the Government of India, to ensure that these decisions are faithfully implemented by the Government of Pakistan?

The Honourable Shri N. Gopalaswami Ayyangar: (a) to (c). The information is being collected and will be laid on the table in due course.

Mr. Speaker: I think the honourable member will stick to his seat so that I may not miss him next time.

BUILDINGS IN DELHI BELONGING TO INDIAN STATES OR THE RULERS

1470. *R. B. Lala Raj Kanwar: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) the names of the buildings in Delhi and New Delhi belonging to Indian States or their Rulers; and

(b) whether, in view of extreme shortage of house-accommodation in Delhi and New Delhi Government propose to consider the desirability of negotiating with the States or Rulers concerned for the use for official and residential purposes of

†Answer to this question laid on the table, the questioner being absent.

surplus accommodation on terms to be mutually settled between the parties concerned?

The Honourable Shri N. V. Gadgil: (a) A list containing the information asked for by the honourable member is placed on the table of the House.

(b) Government have always tried to secure as many Princely houses as are likely to be available for Government use either for office or residential purposes. Eleven such houses have been taken over by Government.

List

Princely Houses and other Houses in New Delhi, and Delhi, owned by Talukdars, referred to in Starred Question No. 470, dated the 25th August, 1948.

1. Bhavnagar House.
2. Bahawalpur House.
3. Balrampur House.
4. Bikaner House.
5. Baroda House.
6. Cochin House.
7. Darbhanga House.
8. Dholpur House.
9. Faridkot House.
10. Gwalior House.
11. Jind House.
12. Jaisalmer House.
13. Jaipur House.
14. Kotah House.
15. Kashmir House.
16. Kanika House.
17. Kapurthala House.
18. Mandi House.
19. Nabha House.
20. Nizam Palace.
21. Pataudi House.
22. Patiala House.
23. Sikar House.
24. Sheikhupura House.
25. Tehri-Garwhal House.
26. Travancore House.
27. Udaipur House.

Delhi Central Electric Power Authority

471. * **Shri K. Santhanam:**
Shri T. T. Krishnamachari:

(a) Will the Honourable Minister of Works, Mines and Power be pleased to state what steps have been taken by the Delhi Central Electric Power Authority, Limited to meet the normal growth of load of electricity in Delhi and what electrical equipment and materials have been purchased since the time Dolhi Electric Supply Transport was taken over in March, 1947 by the Authority?

(b) Is it a fact that the store situation in the D.C.E.P.A. is unsatisfactory and that consumers are asked to supply materials for wiring etc?

(c) Is it a fact that the management of the Authority continues to buy stores in Calcutta at enhanced price knowing full well that transport facilities are difficult to get for bringing materials from Calcutta to Delhi?

(d) Is it a fact that Paul Dass & Co., Electrical Goods Dealers were working in Lahore before partition and Mr. B. Paul Chief Engineer and Mr. Ram Dass, Deputy Chief Engineer, Lahore Electric Supply, were the Directors of the said Paul Dass & Co?

(e) Are Government aware that this firm is now working in Delhi with its office in Paharganj, under a different name and style but really managed by Mr. Ram Dass and that Mr. B. Paul the present General Manager of the D.C.E.P.A. has an interest in the firm?

(f) Is it a fact that a big order has recently been placed by the D.C.E.P.A. with this firm for the supply of electrical meters manufactured by some continental firm hardly known in this country?

(g) Is it a fact that the price quoted for the meters in the first offer was substantially enhanced after three days and still the order was confirmed?

The Honourable Shri N. V. Gadgil: (a) To meet the normal growth of load in Delhi, orders were placed in United Kingdom as early as 1945-46, for two 10,000 K.W. Turbo-Alternators, with four Boilers each of 80,000 lbs. per hour capacity, and ancillary equipment in the hope that these sets would be put into commission in 1948-49. Due to circumstances beyond the control

of the Authority these sets have not been received yet and it is expected that one of the sets will be commissioned in 1950-51. In the meantime, the following temporary arrangements have been made to meet the increased demands: (i) Four Diesel Generating Sets of 500 K.W. capacity each were International Company of New York, for one 5,000 K.W. Westinghouse Electric were put into commission in March 1947 and the fourth in November 1947, (ii) Installation of two additional diesel generating sets of 500 K.W. capacity each at the Bela Road Power House and one 2,500 K.W. Packet Set at the River Front Power House was undertaken in December 1947 and is in progress. These sets are likely to be commissioned by December 1948, and (iii) Order was placed in December 1947 with Messrs. Westinghouse Electric International Company of New York, for one 5,000 K.W. Westinghouse Set with Boiler and other ancillary equipment. It is expected that the set will be in commission by 1949-50.

After the Delhi Electric Supply and Traction was taken over in March 1947, the Delhi Central Electric Power Authority Limited, placed the order for one 5,000 K.W. Westinghouse Generating Set with Boiler and other ancillary equipment. The two Diesel Sets of 500 K.W. each and one Packet Set of 2,500 K.W. have been loaned to the Authority by the Govt. of India.

(b) The answer to both parts of the question is in the affirmative. On account of non-availability of stores, consumers are allowed to supply materials for wiring etc. at their own option, for expedition.

(c) No. Owing to non-availability of materials, both electrical and non-electrical, in Delhi, the work of the Authority was suffering and the General Manager was sent by the Chairman of the Authority to make some purchases in Calcutta. The General Manager purchased the materials at prices which were ten to forty per cent. lower than the prices ruling in Delhi at the time, after adjusting Railway Freight and other incidental charges.

(d) Yes.

(e) According to information made available to Government, the firm "Paul Das and Co." of Lahore was dissolved, and a new Company with the name "Power Engineering Construction Co. Ltd." started in Pahargunj Delhi, from the beginning of the current year. Mr. B. Paul has no interest in the new firm.

(f) An order was placed with this firm for 950 single phase house service meters and fifty 3-phase 4-wire house service meters, to be supplied by Messrs. Societe Des Compteurs de Geneve, of Geneva.

(g) Yes. The firm submitted revised quotations on 24th February, 1948 under instructions from their Principals before the Authority had considered their previous quotation dated 10th January, 1948. This revised quotation was considered by the Authority along with quotations from other firms and although this revised quotation was higher than the original quotation, it was substantially lower than the rates quoted by other firms. As the quality of meters was good, their quotation was accepted by the Authority.

Shri K. Santhanam: With reference to the answer to part (a), will the Honourable Minister be pleased to state whether the U. K. manufacturers failed to fulfil their contract in respect of the delivery date?

The Honourable Shri N. V. Gadgil: So far as the element of time is concerned, it appears so.

Shri K. Santhanam: Was there a definite date mentioned in the contract?

The Honourable Shri N. V. Gadgil: Presumably, it must have been mentioned.

Shri K. Santhanam: With reference to part (e), is the Honourable Minister sure that it is not the same people who were running the Lahore firm, that are now running the firm in Pahar-Ganj?

The Honourable Shri N. V. Gadgil: That point is already conceded in the reply. The only thing that is added is that Mr. B. Paul has no interest in the new firm.

ECONOMIC AND INDUSTRIAL PROGRAMME

472. ***Shri Lakshminarayan Sahu:** Will the Honourable the Prime Minister be pleased to place on the table of the House a copy of the economic and industrial programme of the Government of India evolved by them with a view to improve the economic lot of the common man?

The Honourable Pandit Jawaharlal Nehru: A statement on Government's industrial policy was laid before the House during the last Session. A further statement will be made before the House and no doubt the House will have full opportunity to discuss it.

Shri Lakshminarayan Sahu: What about the economic policy, Sir?

Mr. Speaker: The reply applies to that also. The House will have an opportunity in due course.

APPEAL TO NATIONALS FOR SERVICE TO COUNTRY

473. ***Shri Lakshminarayan Sahu:** Will the Honourable the Prime Minister be pleased to state whether Government have considered the advisability of issuing an appeal to the nationals of the country (i) to place before Government any suggestions they may have in connection with the economic and industrial development of the country, and (ii) to come forward for service in the national cause in the jobs for which they are suited, honorary or otherwise? If Not, why not?

The Honourable Pandit Jawaharlal Nehru: It is not usual or considered necessary to issue formal appeals of this kind. Reference to these problems is often made in public statements and speeches and any helpful suggestions are always welcome. It would serve no purpose whatever to issue an appeal for people to offer themselves for general service in the national cause. Normally each type of activity requires some special training and aptitude. Those who have this are continually bringing it to the notice of Government and their cases are considered.

Shri H. V. Kamath: Does Government propose to introduce conscription for social service of some kind or other?

The Honourable Pandit Jawaharlal Nehru: No; there is no such proposal before the Government at present.

RECOMMENDATIONS OF NATIONAL PLANNING COMMITTEE

474. ***Shri Lakshminarayan Sahu:** Will the Honourable the Prime Minister be pleased to state whether Government have considered the recommendations of the National Planning Committee of which the Honourable the Prime Minister was the Chairman?

The Honourable Pandit Jawaharlal Nehru: The reports of the National Planning Committee constitute a very important contribution to the plans for the economic and industrial development of the country. The views of the Committee were taken into consideration by the Advisory Planning Board in formulating their recommendations and will undoubtedly be useful to the Government as well as to any Planning authority that may be set up.

Prof. Shibban Lal Saksena: May I know, Sir, when the Planning Authority will be set up?

The Honourable Pandit Jawaharlal Nehru: I fear I cannot indicate the date.

REHABILITATION OF REFUGEES

475. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state what is the number of refugees still to be rehabilitated?

(b) Do Government propose to place on the table of the House a Statement giving details of the occupations in which these refugees were engaged before being uprooted and also some indication of the occupations in which they will be placed?

(c) Do Government propose to publish for the information and satisfaction of the refugees, a copy of Government's detailed programme of rehabilitation under (i) housing; and (ii) settlement in gainful occupation?

(d) Do Government propose to consider the advisability of publishing at the end of every month a statement showing the progress made in rehabilitation and the number of refugees housed and gainfully settled?

The Honourable Shri Mohan Lal Saksena: (a) and (b). Reliable figures and full details are not available in the absence of a regular census. It is estimated that there are in India about fifty-five lakh refugees from Western Pakistan of whom twenty-eight lakhs have been rehabilitated and twenty-seven lakhs have yet to be rehabilitated. At present all possible assistance is being given to refugees to resettle them in their old occupations, if possible, or in new ones. For this purpose technical and vocational training of refugees is being emphasised. It is hoped that the fuller details which the census of refugees should furnish will enable Government to determine the possible new avenues in which refugees can be engaged in case their old occupations can no longer be followed.

(c) Yes. The rehabilitation programmes of a number of provinces have already been published. Schemes sponsored by Government of India are also announced in the Press from time to time.

(d) Yes.

Shri Deshbandhu Gupta: Is it a fact that some refugees are pouring in still from East Punjab and they are shown as having been resettled in the records of the East Punjab Government?

The Honourable Shri Mohan Lal Saksena: Yes; some refugees are pouring in and it is just possible that they may have been shown as settled in the records of the East Punjab Government.

Shri Deshbandhu Gupta: Is there any machinery set up to check up these things, so that we may have a clear picture?

The Honourable Shri Mohan Lal Saksena: Yes; it is proposed to have regional commissioners to check up these things.

RELINQUISHMENT OF OFFICE BY MR. ASAF ALI AS AMBASSADOR IN U. S. A.

476. *Shri H. V. Kamath: Will the Honourable the Prime Minister be pleased to state:

(a) whether it is a fact that Mr. Asaf Ali, our first Ambassador to the United States of America, relinquished his high office prematurely; and

(b) if so, the reasons therefor?

The Honourable Pandit Jawaharlal Nehru: (a) and (b). No. Mr. Asaf Ali was appointed for one year and soon after the end of that period he relinquished his office. Most of our appointments abroad have been for one year.

Shri H. V. Kamath: Was there a hiatus between Mr. Asaf Ali's relinquishing his high office and the appointment of the new Ambassador, and during this interregnum is it a fact that a mere minister was placed in charge of perhaps our most important Embassy in the world in the capacity of a Charge d'affaires?

The Honourable Pandit Jawaharlal Nehru: Yes, it normally happens that there is often a hiatus. In fact it almost invariably happens that there is a small hiatus. Two Ambassadors do not overlap as a rule. The hiatus may be small or big; it may be a few days or weeks. But it happened that the Counsellor at the time was the next person in charge functioning as Charge d'affaires.

Shri H. V. Kamath: Could not an Ambassador have been sent from here to take over charge from Mr. Asaf Ali?

Mr. Speaker: That is an argument.

Shri M. Tirumala Rao: Is the present Ambassador's term for one year?

The Honourable Pandit Jawaharlal Nehru: I cannot say what period it is; it depends on circumstances. No period has been fixed.

Shri Mahavir Tyagi: Are these Ambassadors selected by the Foreign Minister alone or by the Cabinet as a whole?

The Honourable Pandit Jawaharlal Nehru: The practice is for Ambassadors, etc. to be chosen by the Foreign Minister in consultation with the Prime Minister. It is not normally a Cabinet appointment but actually of course individual members of the Cabinet and others are consulted.

Dr. B. Pattabhi Sitaramayya: In that view would it not be better and would not the consultations improve if the two offices were separated?

The Honourable Pandit Jawaharlal Nehru: I entirely agree.

Shri H. V. Kamath: Is it Government's practice to appoint all our Ambassadors abroad for one year in the first instance?

The Honourable Pandit Jawaharlal Nehru: There is no question of practice. Owing to the fact that we are going through a period of transition and the new constitution may come soon we do not wish to commit Government to any longer term of appointment.

Shri H. V. Kamath: Is Mr. Asaf Ali's successor a temporary Ambassador or a permanent incumbent?

The Honourable Pandit Jawaharlal Nehru: He is a permanent incumbent of the Foreign Service. There is a difference between appointments of people who might normally be called non-officials or non-servicemen for whom some period is indicated. But for those who are in permanent Government Service no period can be indicated. They can be changed or withdrawn at a day's notice anywhere.

Shri Biswanath Das: Have Government considered the need of a wider consultation than only between the Foreign Minister and Prime Minister in selecting suitable persons for these high and responsible posts?

The Honourable Pandit Jawaharlal Nehru: That is a very difficult procedure involving possible complications, because every such appointment in an embassy has to be kept a top secret till a simultaneous announcement is made from the two respective capitals. If even the name gets out in one place the other country demands an explanation, and all kinds of difficulties arise. Therefore normally in every country such appointments are top secrets and no wide consultation is undertaken.

Shri Biswanath Das: Are Government aware that even in a country like the United States the President's nominees have to be approved by the Foreign Committee of the Senate? Cannot some similar procedure be adopted here so that there may be a wider range of consultation?

The Honourable Pandit Jawaharlal Nehru: What happens in the United States is not consultation on a wider scale but a kind of ratification by the Senate Committee which is a different thing. If the House makes such rules those rules would have to be followed. But it is a State Department there which secretly and within a narrow circle chooses its Ambassadors and others—and the President if you like—and those names are submitted later for ratification by the Senate.

Shri H. V. Kamath: Considering that we are dealing with the United States of America which is perhaps the biggest power in the world today, could not a far more eminent public man have been selected to succeed Mr. Asaf Ali?

Mr. Speaker: Order, order.

Mr. Tajamul Husain: May I know who appoints or selects the staff of the Embassy? Is it done by the Ambassador-designate or by the Foreign Minister in consultation with the Prime Minister?

The Honourable Pandit Jawaharlal Nehru: The staff is normally drawn from the members of the Foreign Service. The selection from that service is normally done by the Foreign Secretary or the Secretary-General and not by the Foreign Minister except that he may be consulted about it. Normally also the Ambassador is consulted as to the persons nominated there. But the selection actually is made here at headquarters by the Foreign Department.

Shri Khurshed Lal: Is the Prime Minister aware that in spite of the appointment of Ambassadors being kept a top secret press speculations in this respect have often proved to be correct?

The Honourable Pandit Jawaharlal Nehru: Yes, I am regretfully aware of that fact.

Seth Govind Das: Is it not a fact that most of the propaganda that is going on against our Ambassadors in different parts of the country and elsewhere is generally false? Are Government contemplating issuing a communique or something similar to counteract such propaganda?

The Honourable Pandit Jawaharlal Nehru: I am glad the honourable member has drawn the attention of the House to it by this supplementary question. I think it has been a scandalous state of affairs that a number of individuals or newspapers of no great standing as a rule go on making charges against our Ambassadors and Ministers and officials abroad, and they cannot reply. It is always a problem for Government to consider what to do with these persons who are often nameless, because contradicting and issuing Government denials is itself giving a certain importance to that particular newspaper or to that particular statement made in it. Sometimes of course Government do it but it has been a problem for me. Most of the charges made are absolutely false and without foundation and they are also malicious, if I may say so. Some of them may have some truth but the truth itself is represented in an exaggerated and distorted form. It is very difficult to discuss many of these problems dealing with foreign affairs in public statements and public debates, etc. Normally a country or a respected body like this House or like any parliament in any country deals with foreign affairs with some restraint because of long experience, but they are delicate matters which cannot be discussed in public. Not that they are secret from a number of those who are interested, but they are simply not discussed. Newspapers too discuss these matters—not matters of general policy—which should

be discussed, but there is a measure of restraint about it. Unfortunately we have not developed that restraint yet for balancing of various factors, with the result that either the officials of our department or the Minister himself has to rush into a public controversy over trivial details, which would not be very edifying. So on the whole I do prefer to remain quiet.

Prof. Shibban Lal Saksena: Is there any truth in the rumour that our Ambassador in Washington was recalled because he was disliked by the American Government?

The Honourable Pandit Jawaharlal Nehru: It is the first time I hear of this. I may mention that when our Ambassador went to say good-bye to the President of the United States the President expressed his great regret formally and personally at the fact that he was going away.

CONTROL OVER INTER-DOMINION TRAFFIC OF PEOPLE

477. *Shri H. V. Kamath: Will the Honourable Minister Without Portfolio be pleased to state:

(a) whether the question of the System of issuing permits to enter India was discussed at the last Inter-Dominion Conference in Lahore:

(b) who the Indian delegates to the Conference were;

(c) whether it is a fact that at that Conference our representatives expressed willingness to consider withdrawing the system provided the two Dominions could evolve some way to regulate on a two-way basis—and not merely in a one sided manner—the movement of such large numbers of persons, to which proposal the Pakistan delegates would not agree but merely stated that India should give up the system of issuing permits;

(d) the final decision arrived at;

(e) the number of applications for permits received so far from Muslims at our High Commissioner's offices in Karachi and Lahore;

(f) the number of permits so far issued; and

(g) the precautions and safeguards enforced in order to prevent the entry of undesirable persons into India?

The Honourable Shri N. Gopalaswami Ayyangar: (a) Yes.

(b) The Indian delegates were the Minister Without Portfolio and the Minister for Relief and Rehabilitation.

(c) The Pakistan delegates objected to our introduction of the Permit System and desired its withdrawal. The Indian delegates said that they could consider the question of withdrawal only if the two Dominions could, by agreement, substitute a system which would bring about a two-way traffic between the two Dominions on a regulated basis. The Pakistan delegates replied that, if India did not withdraw the System, they might have to retaliate and introduce a similar system for entry into Pakistan and added that they might have to extend it to East Pakistan also.

(d) The Indian delegates informed the Pakistan delegates that they had noted what had been said on the other side, but they made it clear that India was not now prepared to withdraw the System which had been introduced.

(e) The number of applications for permits received at the Deputy High Commissioner's Office, Lahore, up to 21st August, 1948, was 6,394. The figure for Karachi has not yet been received from the High Commissioner.

(f) The number of permits issued by the Deputy High Commissioner, Lahore, up to 21st August, 1948 was—

	Temporary Visits	Permanent resettlement
Muslims	2, 940	nil
Non-Muslims	2, 112	nil

The figures from the High Commissioner, Karachi, are awaited.

(g) Permits are issued only after enquiry, and, in the case of applications for permanent resettlement, only after consultation with the Government of the Province or State concerned. The stations proposed to be visited by the applicants have to be specified; a copy of the permit is sent by the issuing officer to the Superintendent of Police of the District in India concerned; and persons entering India without a valid permit or committing a breach of the conditions of the permit are liable to arrest and prosecution.

Shri H. V. Kamath: Could the Minister tell us how many non-Muslims have returned from India to Pakistan during this period?

The Honourable Shri N. Gopalaswami Ayyangar: I am afraid I cannot give any definite figure. There must be very few indeed.

Shri K. Santhanam: What is the normal period of these permits?

The Honourable Shri N. Gopalaswami Ayyangar: They vary. It depends upon the purpose for which the temporary permit is asked for.

Shri K. Santhanam: May I know how many of these 2,940 people who had permits have returned?

The Honourable Shri N. Gopalaswami Ayyangar: I am not in a position to give any answer. But I am sure that all those whose permits fixed a particular time and that time has expired must have returned.

Dr. P. S. Deshmukh: Are we not violating the terms of our agreement with Pakistan in permitting all these non-Hindus to come here?

The Honourable Shri N. Gopalaswami Ayyangar: I do not think so.

INDIAN MILITARY MISSION IN BERLIN

Shri H. V. Kamath: Who is the head of the Indian Military Mission? pleased to state:

(a) the status, functions and powers of the Indian Military Mission in Berlin; and

(b) the relations that it has with the Four Powers that occupy and control Berlin today?

The Honourable Pandit Jawaharlal Nehru: (a) The Indian Military Mission, Berlin, acts as a Liaison organization between the Government of India and the Allied Control Council in Germany. Its main functions are (i) to safeguard the interests of Indian Nationals in Germany and Austria, and (ii) to maintain a watching brief on the military, political, economic and industrial situation in those two countries.

(b) The Indian Military Mission is accredited to the Allied Control Council in the normal diplomatic manner. It is the recognised channel of all communications from India to the Allied Control Council in Germany. In the diplomatic and political sphere contact is maintained with all the four occupying powers by meetings with their political and diplomatic representatives.

Shri H. V. Kamath: Who is the head of the Indian Military Mission?

The Honourable Pandit Jawaharlal Nehru: I am sorry, the name escapes me for the moment. It may come back in a minute or two Brigadier Khub Chand.

Shri H. V. Kamath: Has he or the Mission got free access always to all the four sectors of Berlin?

The Honourable Pandit Jawaharlal Nehru: I cannot answer that question. The situation in Berlin, as any person reading the newspaper will realize, is a very peculiar one. I cannot immediately answer where one can go and where one cannot go.

Shri H. V. Kamath: Has Brigadier Khub Chand got an independent status or is he a mere under-study of the British Military Governor?

The Honourable Pandit Jawaharlal Nehru: Certainly not an under-study. He has an independent status as a representative of India on the Indian Military Mission. The British Military Governor has nothing to do with it.

Shri H. V. Kamath: Was the Indian Mission or the Brigadier himself invited at any time to the councils or meetings of the Kommandatura in Berlin?

The Honourable Pandit Jawaharlal Nehru: I do not know to which meetings the honourable member is referring to. No doubt they meet the heads of the organisations in Berlin, but to which particular meeting he is referring I do not know. He is a diplomatic representative. He is not a part of the Governing Body of Berlin.

Shri Mahavir Tyagi: Has any eminent politician been sent with this Mission?

The Honourable Pandit Jawaharlal Nehru: I do not quite understand in what capacity.

Shri Mahavir Tyagi: In the matter of negotiating their claims with other parties.

The Honourable Pandit Jawaharlal Nehru: I still fail to understand whose demands and whose claims!

Shri Mahavir Tyagi: I wanted to know if any eminent politician has been sent with this Mission with a view to negotiate our reparational demands from Germany.

The Honourable Pandit Jawaharlal Nehru: No. Still I do not understand whom we are to negotiate with and what about. The question of reparations is a separate question which is dealt with between us and the other Allied Powers, and certain decisions have been arrived at: and the matter goes on proceeding in that way. No doubt, Brigadier Khub Chand being on the spot, also deals with the matter when it is referred to him. I do not quite know the significance of an eminent politician being sent there? Is it meant that such dealings can only be conducted by eminent politicians?

Shri Mahavir Tyagi: I meant any diplomat.

The Honourable Pandit Jawaharlal Nehru: Clearly, eminent politicians are not always good diplomats.

Shri H. V. Kamath: What is the total number of Indian nationals in Germany?

The Honourable Pandit Jawaharlal Nehru: I could not say. But it must be a fairly small number—probably a few score. I cannot say exactly.

Shri H. V. Kamath: Has the Mission sent any report to Government about the blockade of Berlin?

The Honourable Pandit Jawaharlal Nehru: The Mission sends periodic reports and, if I may say so, they are extraordinarily good reports.

Shri H. V. Kamath: Is it a fact that Dr. Friedenburg, the Deputy Mayor of Berlin at any time approached Brigadier Khub Chand or the Mission with a request to sponsor their case before the U.N.O.?

The Honourable Pandit Jawaharlal Nehru: Not to my knowledge.

TEXTILE POLICY OF GOVERNMENT

†479. *Mr. Z. H. Lari: Will the Honourable the Prime Minister be pleased to state whether Government propose to fix any day during the current session of the Assembly for the discussion of the textile policy recently announced by the Government of India, and if so, which?

The Honourable Pandit Jawaharlal Nehru: If the House so desires, Government will endeavour to find time for this discussion. But in view of the fact that the policy has been announced and is being implemented, a discussion in the House at this stage may not serve a particularly useful purpose.

INTER-DOMINION TRAFFIC OF REFUGEES

480. *Pandit Mukut Bihari Lal Bhargava: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the number of non-Muslim refugees who have migrated from West Punjab, N.W.F.P., Sind, Baluchistan, East Bengal, Bahawalpur and other Muslim States acceding to Pakistan, to the Indian Union since partition;

(b) the approximate number of non-Muslims (including Harijans) still remaining in the various provinces of Pakistan, as also the number of Muslims still remaining inside the Indian Union territory;

(c) the approximate number of Muslim refugees who left India for Pakistan during the period of disturbances;

(d) the number of non-Muslim refugees who have returned to various provinces of Pakistan as also the number of Muslim refugees who have returned to India from Pakistan after the disturbances had stopped; and

(e) the approximate amount of money spent by Government in (i) evacuating non-Muslim refugees from West Punjab, N.W.F.P., Sind, Baluchistan, East Bengal, Bahawalpur and other Muslim States acceding to Pakistan to the Indian Union territory, and (ii) providing food, shelter, clothing and other necessities of life to the destitute refugees?

The Honourable Shri Mohan Lal Saksena: (a) and (b). A statement containing the requisite information is laid on the table.

(c) The approximate number of Muslims who left India for Pakistan during the period of disturbances is estimated at 57,68,000.

(d) (i) About 10,000 Meghwals (Agriculturists) have gone back to Bahawalpur. Government have no information that any non-Muslims have gone back to any other Province of Pakistan.

(ii) It is not possible to give the exact number of Muslim refugees who have returned to India from Pakistan. The number of such refugees according to information received is considerably large.

Even according to the figures supplied by the Pakistan Minister of Refugees at a conference, nearly 52,000 Muslims had returned to India between April, 1948 and June, 1948 by the Jodhpur Railway alone.

(e) (i) According to estimates received the expenditure will be about three crores, figures of actual expenditure are being collected.

(ii) The information is being collected and will be laid on the table in due course.

†Answer to this question laid on the table, the questioner being absent.

Statement

(a) The number of non-Muslim Refugees who have migrated to India from Pakistan is estimated at :—

(i)	From	West Punjab	39,45,000
(ii)	,,	N.W.F.P. and adjoining States	2,78,000
(iii)	,,	Sind. . . .	11,86,000
(iv)	,,	Baluchistan and States,	No exact data is available. 1,710 persons were brought by plane from Quetta. The actual number that has come out is much more.
(v)	,,	Bahawalpur . .	1,59,000
(vi)	,,	East Bengal .	10,40,000

(b) (i) The approximate number of non-Muslims in the various provinces of Pakistan is estimated at :—

In	West Punjab. .	27,000
,,	N.W.F.P. .	5,000
,,	Sind.	2,88,000
,,	Baluchistan.	75,000
,,	East Bengal .	1,10,00,000
,,	Bahawalpur .	14,000

(ii) The number of Muslims still remaining in the Indian Union territory is approximately 4 crores.

[redacted]

SELECTION FOR INDIAN SERVICE OF ENGINEERS

481. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Works, Mines and Power be pleased to state when the last selection for the Indian Service of Engineers was made?

(b) What degree in Engineering make one eligible for this service?

(c) When is the next competitive examination proposed to be held for recruitment to this service?

The Honourable Shri N. V. Gadgil: (a), (b) and (c). Attention of the honourable member is invited to the reply given to part (c) of his starred question No. 919 on the 22nd March 1948.

(*b*) WRITTEN ANSWERS

SHIFTING OF CERTAIN DEPARTMENTS FROM DELHI

482. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Works Mines and Power be pleased to state whether it is a fact that some departments of the Central Secretariat at present in Delhi are being shifted outside Delhi?

(b) If so, what are the offices selected for the transfer and when are they proposed to be transferred?

The Honourable Shri N. V. Gadgil: (a) The question of shifting some of the offices outside Delhi is under consideration.

(b) Does not arise at present.

WITHDRAWN

INDUSTRIAL PLANTS AS REPARATIONS FROM GERMANY

484. *Shri V. C. Kesava Rao: (a) Will the Honourable Minister of Commerce be pleased to state whether India has received any industrial plants by way of reparations from Germany?

(b) If so, where are these plants proposed to be set up?

(c) Would the location of these industries be left to industrialists?

The Honourable Shri K. C. Neogy: (a) Yes. The total allocations of German Industrial machinery made to India up to May 1948 amount to Reichs Marks 12,870,359 (about Rs. 91,63,227) out of which equipment of an aggregate value of Reichs Marks 5,645,475 (about Rs. 41,21,833) has already been received in India.

(b) These plants or sub-plants mainly consist of general purposes machine tools and they are not complete self-contained units. It is hoped that most of them after being suitably supplemented and balanced will be utilised in the factories, which the Government of India propose to set up for the manufacture of machine tools, diesel engines etc. It is not yet possible to say where these factories will be set up.

(c) In view of my answer to (b), does not arise.

NON-RECOGNITION OF COMMUNAL ORGANISATIONS

485. *Shri Biswanath Das: Will the Honourable the Prime Minister be pleased to state:

(a) whether Government have given effect to the Resolution of this House not to give recognition to organisations and activities of a communal character;

(b) whether the decision of Government referred to in part (a) above has been communicated to all Ministries of the Government of India and the Provinces; and

(c) whether Government propose to call for a report showing how far the same has been put into operation in their own Ministries?

The Honourable Pandit Jawaharlal Nehru: This question should have been addressed to the Honourable the Home Minister. It has accordingly been transferred to the list of questions for the 3rd September, 1948, when Honourable the Home Minister will answer it.

MILITARY TRAINING CENTRE, JORHAT

486. *Srijut Kuladhar Chaliha: (a) Will the Honourable Minister of Labour be pleased to state whether the Military Training Centre at Jorhat is fully equipped for purposes of higher Technical Training?

(b) What is the number of trainees at present at the Centre?

(c) If the number is not sufficient, do Government propose to open it for civilian trainees at the ratio of 50/50?

(d) Do Government propose to consider the advisability of combining the Military Training Centre with the Government Technical School at Jorhat and developing it into a Technological College?

(e) Will the Honourable Minister consult the Honourable Minister of Education in the matter?

The Honourable Shri Jagjivan Ram: (a) The Centre at Jorhat is fully equipped for training skilled craftsmen only. It is not equipped to give higher technical training of a university or college standard.

(b) There were 202 ex-Servicemen undergoing training at the Centre on 31st July, 1948.

(c) The Training Schemes of the Ministry of Labour are open at present to ex-Servicemen and refugees only. Civilians, other than refugees, are not eligible for admission. The question of extending the scope of the Scheme to include civilians is under consideration.

(d) It would not be desirable at present to merge the Government of India Training Centre into the Assam Government Technical School, Jorhat, as the two institutions are engaged in imparting different types of training. The former gives intensive training of short duration (about twelve months) to ex-Servicemen while the latter has a much longer course and caters for civilian trainees. It is, however, proposed to hand over the Training Centre to the Assam Government in July 1950 on the termination of the Training Scheme for ex-Servicemen, and it would then be primarily a matter for that Government to decide whether the Training Centre should have a separate entity or be combined with the Jorhat Technical School and developed into a Technological college.

(e) Does not arise in view of what is stated in reply to part (d).

Fixation of Maximum Sale Price of Imported Goods

487. †Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Commerce be pleased to state the value of goods imported into India during each of the months beginning from January 1948?

(b) How much of these goods consists of cloth, silk, stationery paper, toilet requisites and petrol?

(c) Have Government any agency to ascertain the prices at which these articles are imported and the prices at which they are sold?

(d) Are Government aware that these goods are sold to consumers at exorbitant prices?

(e) Do Government propose to consider the fixation of a maximum price for each imported article?

The Honourable Shri K. C. Neogy: (a) and (b). I lay on the table a statement showing the required particulars for the period January to June 1948 for which returns have been received from Customs Houses.

(c) The Central Government have only power to control the distribution and prices of those articles mentioned in the Essential Supplies (Temporary Powers) Act of 1946, and in these cases adequate machinery exists for ascertaining and controlling the prices at which imported articles are sold to the public.

(d) and (e). Government are aware that the present level of prices is high and that prices of imported articles have increased along with the rise in price of indigenous articles. They are, as the honourable member may be aware, considering the measures that should be adopted for effecting a general reduction in the level of such prices.

Statement

Showing the total value of imports as well as value of imports of certain specified article into India, by sea, from foreign countries during each of the months January to June, 1948

Months	Total value of Imports	Cotton Piecegoods	Silk Piecegoods	Stationery excluding paper	Paper	Toilet Requisites (not specified elsewhere)	Petroleum dangerous flashing below 76 F., including Petrol, Benzine and Benzal
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
January 1948 . .	31,17,92,177	43,67,114	1,34,890	15,66,147	35,28,398	9,65,976	27,27,423
February 1948	33,07,39,885	41,34,716	4,76,376	16,21,055	82,95,411	4,17,667	18,78,867
March 1948 . . .	35,03,25,544	51,24,891	11,59,046	19,46,141	65,58,019	45,366	92,17,372
April 1948 . .	29,72,28,139	44,88,959	1,00,890	6,68,804	34,31,228	41,520	93,98,811
May 1948 . . .	43,32,04,088	33,49,120	19,558	3,25,217	31,17,799	32,058	1,20,29,763
June 1948 .	35,74,98,352	28,59,363		4,62,647	51,53,571	30,976	81,73,237

NOTE.—The figures for January and February 1948 relate to the trade of Indian Dominion with all foreign countries except Pakistan. Figures from March 1948 include trade with Pakistan also. Those from April, 1948 onwards are inclusive of Government Stores which have been merged with private merchandise with effect from 1st April, 1948.

IRRIGATION AND HYDRO-ELECTRIC SCHEMES FOR BERAR

488. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether Government are aware that the four districts of Berar are highly fertile?

(b) Are Government aware that it often suffers from scarcity of drinking water?

(c) Are Government aware that a good irrigation scheme will easily double the production of foodgrains as well as cotton?

(d) Is any of Government's plans of irrigation and production of hydro-electric power calculated to benefit this area directly? If so, what is that plan?

(e) When is it likely to start work and when is it expected to be completed?

(f) If not, do Government propose to pay special attention to the requirements of this area and undertake an immediate survey of the Satpura mountains with the above points in view?

(g) Have Government made any previous survey of this area?

(h) If so, has any scheme been selected for being put into operation?

The Honourable Shri N. V. Gadgil: (a) to (h). The question might have been more appropriately addressed to the Provincial Government because agriculture and Irrigation are Provincial subjects. Central Water-power, Irrigation and Navigation Commission deals with multipurpose river valley development schemes of a major character, which are beyond the capacity of Provincial Engineering departments but it is not possible for Central Water-power, Irrigation and Navigation Commission, consistently with its present set up and the availability of personnel, to undertake responsibility for all irrigation schemes in India. It is understood that the Provincial Government have certain projects on the Wardha and Penganga rivers under consideration; but no investigations have been undertaken by Central Water-power, Irrigation and Navigation Commission in this connection. It may be added that the Provincial Government have not made any reference to the Government of India about these Projects.

[illegible] RNED FROM PAKISTAAN

489. *Shri Biswanath Das: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) the number of Muslims who have returned so far from Pakistan to different provinces giving separate figures for each province; and

(b) the number of (i) officials, (ii) clerical staff, (iii) technical men and (iv) menials who have returned so far to India—giving figures of each respectively?

The Honourable Shri Mohan Lal Saksena: (a) Although no accurate figures can be given province-wise, the honourable member is informed that a considerable number of Muslims had returned to the Indian Union. Even according to the figures supplied by the Pakistan Minister of Refugees at a conference, nearly 52,000 Muslims had returned to India between April 1948 and June 1948 by the Jodhpur Railway alone. During the period 19th July 1948 to 11th August 1948, the Deputy High Commissioner for India in Pakistan at Lahore issued temporary permits to about 2,099 Muslims. The High Commissioner for India in Pakistan at Karachi has reported that, about 300 permits are issued daily to Muslims from Karachi.

(b) Separate figures for each of these groups are not available.

RECOMMENDATIONS OF GOVERNMENT ACCOMMODATION ADVISORY COMMITTEE

490. *Shri H. V. Kamath: (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether it is a fact that the Government Accommodation Advisory Committee recommended that in the case of Central Government Employees transferred from New Delhi to other stations, on their retransfer to New Delhi should, for purposes of allotment of Government quarters, be given credit for the service put in New Delhi prior to their transfer?

(b) Was this recommendation accepted by the Ministry of Works, Mines and Power?

(c) If the answers to parts (a) and (b) above be in the affirmative, what is the date of their acceptance?

(d) Has the proposed amendment been issued and if not, why not?

(e) When do Government propose to issue this amendment?

(f) In view of the delay that has already occurred, do Government propose to call for revised applications for allotments, on the basis of this amendment, without waiting for its formal issue and if not, why not?

The Honourable Shri N. V. Gadgil: (a) They made only some suggestions for the consideration of the Works, Mines and Power Ministry.

(b) to (e). Do not arise.

(f) As these suggestions involved some far-reaching changes in the principles underlying the allotment of accommodation in Delhi, it has been decided not to issue any piecemeal amendments to the existing rules, but to consider the suggestions when the general revision of the allotment rules is taken in hand.

ACTION AGAINST *Maya* FOR PUBLICATION OF AN ARTICLE "SARDARJI"

491. *Sardar Hukam Singh: (a) Will the Honourable the Prime Minister be pleased to state whether Government have received a protest telegram from S.G.P.C., Amritsar against a highly provocative and mischievous article under the head-line "Sardarji" published in the Hindi monthly magazine *Maya* in its July 1948 issue?

(b) If so, has any action been taken against the said magazine?

(c) If not, do Government propose to take any action now?

The Honourable Pandit Jawaharlal Nehru: The question should have been addressed to the Honourable the Home Minister. It has accordingly been transferred to the list of questions for the 3rd September, 1948, when Honourable the Home Minister will answer it.

INDIANS IN PALESTINE

492. *Ch. Ranbir Singh: Will the Honourable the Prime Minister be pleased to state:

(a) the total number of Indians in Palestine;

(b) the steps taken to safeguard their lives and interest in that country; and

(c) the steps taken to evacuate those who want to come over to India?

The Honourable Pandit Jawaharlal Nehru: (a) Exact statistics of the number of Indians now living in Palestine are not available. The last census in 1931 showed fifty-five Indian subjects and immigration statistics between 1937-45 indicated forty-seven arrivals and eighteen departures. It is not known how many of these belong to Pakistan and how many to India.

(b) and (c). The duty of affording protections to Indians and others in Palestine lies on the authorities there. The Government of India have received no reports to indicate that Indians in Palestine are in partioular danger nor has any specific request been received for protection or evacuation. If any Indian national expresses a desire to be evacuated, the Government of India will naturally assist him as far as lies in their power.

INVESTIGATION WORK ON PROPOSED SANGAMESHWAR PROJECT.

493. *Prof. N. G. Ranga: Will the Minister of Works, Mines and Power be pleased to state:

(a) how far the investigation work on the proposed Sangameshwar project (Kurnool District, Madras Presidency) has progressed;

(b) whether adequate staff and equipment have been provided to investigate simultaneously the dam aite, the alignment of canals and the areas to be irrigated under the project;

(c) whether any negotiatione were carried on with the Nizam's Government regarding their part of the project; and

(d) whether the Government of India are prepared to offer technical and financial assistance to the Government of Madras in view of the great need for developing this project at an early date as an urgent measure of food production and protection against famine?

The Honourable Shri N. V. Gadgil: (a) to (c). The attention of the honourable member is invited to the replies given on the floor of this House, by the Honourable Minister for Agriculture to the starred question No. 718, on the 8th December, 1947, and by me to the starred question No. 504 and its supplementaries on the 27th November, 1947. The Sangameshwar project is primarily the concern of the Government of Madras and the Government of India have no information on any of the points raised by the honourable member.

(d) The Government of India are prepared to consider on merits any requests from the Government of Madras for technioal and financial assistance in respect of this scheme.

RAMAPADASAGAR PROJECT

494. *Prof. N. G. Ranga: Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether it is a fact that all the plans needed for the Ramapadasagar Project are now ready;

(b) whether the engineers engaged on the work and the American contractors who were approached have expressed themselves in favour of the immediate commencement of the work;

(c) whether adequate funds have been granted by the Government of Madras and the Government of India, not only for the completion of the investigations but also for the commencement of the subsidiary or ancillary or other aspects of the project;

(d) what estimates were made of the cost of the project on different occasions; and

(e) what responsibilities the Government of India have to undertake in regard to this project, which is being sponsored as a multi-purpose project?

The Honourable Shri N. V. Gadgil: (a) Yes, generally speaking, but the detailed plans have yet to be prepared.

(b) Yes.

(c) It is understood that the Government of Madras have granted adequate funds for the investigations. Financial arrangements for commencement of work on the project are under consideration.

(d) The estimated cost of the scheme was Rs. 66 crores in 1945 based on the rates prevailing at that time. This was revised to Rs. 86 crores in April 1947 and a further revision has been found necessary due to further rise in prices and to provide for certain additional features. This revised figure is likely to be Rs. 130 crores.

(e) This question is still under consideration. Detailed estimates and forecast of financial liabilities of results have been called for and the question will be decided on receipt of full information from the Government of Madras.

PROTEST AGAINST ATTACK ON NON-MUSLIM EVACUEES IN WEST PUNJAB

495. *Sardar Hukam Singh: Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) whether the attention of Government has been drawn to a publication of two incidents in *The Daily Tribune* dated the 6th August, 1948 in connection with the evacuation of non-Muslims from the West Punjab;

(b) whether Government are aware that at Sheikhupura loaded trucks were looted at the instigation of police constables and brickbats were thrown after womenfolk had been seated in the trucks;

(c) whether Government are aware that in the second incident on 19th July, 1948 in a village in Montgomery the D. L. O. and his party were taken into custody, his person was searched and cash taken away and his escort disarmed;

(d) if so, whether any protest has been lodged with the Government of Pakistan; and

(e) whether any reply has been received and if one has been received, what it is?

The Honourable Shri Mohan Lal Saksena: (a) Yes.

(b) and (c). That is the information of the Government.

(d) Yes. Protests were lodged with the Pakistan Government by our Deputy High Commissioner at Lahore.

(e) No reply has yet been received.

RECOVERY OF ABDUCTED NON-MUSLIM WOMEN FROM PAKISTAN

496. *Sardar Hukam Singh: (a) Will the Honourable Minister without Portfolio be pleased to state whether it is a fact that the Government of Pakistan is not honest in the recovery and restoration of non-Muslim women, and that the few women restored contain a large proportion of the weak, the infirm and the aged whom they consider to be a liability?

(b) if so, have Government taken any steps to lodge a strong protest against this attitude of that Dominion?

The Honourable Shri N. Gopalswami Ayyangar (a) To the first part of the question, the answer is in the negative. There is no doubt, however, that for some weeks past the lower ranks of the Pakistan Police and the other civil officers, with a few exceptions, have not been as co-operative as they should have been. The non-Muslim recovered persons fall under all age groups. The weak, the infirm and the aged do not form a large proportion of the recovered; there is reason to believe that a considerable number of the educated and cultured girls has still to be recovered.

(b) Protests and appeals have been repeatedly made to the Pakistan Government. In reply to our latest protest we have been assured that the Pakistan Government will bring full pressure to bear upon all officials concerned in West Pakistan.

LABOUR LEGISLATION

497. *Shri Ajit Prasad Jain: (a) Will the Honourable Minister of Labour be pleased to state how many and what labour laws have been passed during the term of office of the Honourable Minister?

(b) Which of these laws were to be implemented by the Government of India and which by Provincial Governments?

(c) To what extent and in what parts of India have these laws been brought into operation?

(d) What is the number of workers who have been benefited by the schemes embodied in these laws?

The Honourable Shri Jagjivan Ram: (a) Seven Acts and one Ordinance have so far been passed. They are:

(i) The Coal Mines Labour Welfare Fund Act, 1947,

(ii) The Factories (Amendment) Act, 1947,

(iii) The Industrial Disputes Act, 1947,

(iv) The Indian Trade Union (Amendment) Act, 1947,

(v) The Dock Workers (Regulation of Employment) Act, 1948,

(vi) The Employees' State Insurance Act, 1948,

(vii) The Minimum Wages Act, 1948,

(viii) The Coal Mines Provident Fund and Bonus Scheme Ordinance, 1948,

(b) Nos. (i) and (viii) by the Government of India.

No. (ii) by Provincial Governments.

Nos. (iii) to (vii) by both the Government of India and the Provincial Governments.

(c) (i) Fully in all the coalfields in the Dominion of India,

(ii) Fully in all the Provinces,

(iii) Fully in all the Provinces,

(iv) Not yet brought into force but will apply to all Provinces,

(v) Fully in all the Provinces.

(vi) Was passed only in April, 1948. It has not yet been enforced. Steps are being taken to implement it in all parts of the country as early as possible,

(vii) The Act extends to all the Provinces of India but has not so far been implemented. Necessary steps for implementing the Act are under consideration,

(viii) It extends to all the Provinces of India. The Coal Mines Bonus Scheme framed thereunder has been made applicable to all Coal Mines in West Bengal, Bihar, Central Provinces and Berar and Orissa.

(d) (i) About 2½ lakhs.

(ii) About 16 lakhs.

(iii) All workers.

(iv) The number of workers can be ascertained only after the Act has been brought into force.

(v) About 20,000.

(vi) The scheme has not yet been introduced but it is hoped that it will cover over 2 million employees of perennial factories.

(vii) The number of workers can be ascertained only after the Act has been implemented in all the Provinces.

(viii) About 2½ lakhs.

NUMBER OF HINDU AND MUSLIM REFUGEES FROM JAMMU AND KASHMIR AND WOMEN ABDUCTED BY RAIDERS

498. *Dr. Raghu Vira: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state what is the number separately of Hindu and Muslim refugees from Jammu and Kashmir?

(b) What is the number of Women abducted by the raiders?

The Honourable Shri Mohan Lal Saksena: (a) The information is being collected and will be laid on the table in due course.

(b) Government are not in a position to give the exact number. A large number of them belong to areas still in the hands of the raiders.

STRIKES IN INDIA SINCE 15TH AUGUST, 1947

499. *Dr. Raghu Vira: (a) Will the Honourable Minister of Labour be pleased to state what was the nature and number of strikes since 15th August, 1947 giving the names of factories affected, duration of strikes, and the loss of production caused by them?

(b) what were the main causes of these strikes?

(c) What efforts have been made by Governmem, to remove these causes, to stop recurrence of strikes and to develop the rate of production?

The Honourable Shri Jagjivan Ram: (a) The available statistics regarding industrial disputes appear regularly in the Indian Labour Gazette which is a monthly publication and copies of which are available in the library of the Legislature. Since August 1947 until April 1948, which is the latest month for which statistics are published, the total number of stoppages was 1,355, involving 13,62,244 workers and a loss of 84,15,945 man-days. It is not possible to estimate the loss of production caused by these strikes. As regards the other detailed information required by the honourable member, Government consider that the time and trouble involved in its collection would not be commensurate with the result—more so when the incidence of strikes is on the decline now.

(b) Generally speaking, the main causes were wages, dearness allowance, bonus, discharge of workers, leave concessions.

(c) The attention of the honourable member is invited to the Industrial Disputes Act (Act XIV of 1947), in particular to Section 3 which provides for the setting up of Works-Committees. Both the Central and Provincial Governments are taking steps to set up statutory machinery required for the settlement of industrial disputes. In addition, Government hope to set up shortly the Central Advisory council and other machinery including Provincial Advisory Boards, Production Committees and Industrial Committees for each major industry, referred to in the Resolution on Industrial Policy which was approved by the House on the 7th April 1948.

LEGISLATION TO ABOLISH *Begar*

500. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Labour be pleased to state whether Government propose to bring any legislation to abolish *Begar* in the country?

(b) Did Government appoint any committee to go into this question before the National Governmnent came?

(c) Have Government appointed a new Committee for the same purpose?

(d) Is the second Committee in supersession of the first?

(e) Has the new Committee submitted its report?

(f) If not, how long will it take to do so?

The Honourable Shri Jagjivan Ram: (a) to (c). An Officer on Special Duty has been appointed to examine the existing legislation and literature on the subject and to submit a report recommending such further legislative and administrative measures as may be required for eradicating the evil wherever it is prevalent. After receiving the report of the Special Officer, necessary action (legislative, administrative as the case may be) will be taken.

(d) The question does not arise.

(e) and (f). The Officer on Special Duty has taken up his duties recently. It is expected that he will be able to submit his report within six months.

GRANT OF EXPORT LICENCES

501. *Prof. N. G. Ranga: Will the Honourable Minister of Commerce be pleased to state:

(a) whether Government are aware that they had given an assurance during the last Session of the Assembly that the claims for export quotas from new-entrants into foreign trade and Co-operative Marketing Federations and Societies would be given sympathetic consideration and that Co-operative concerns would even be given preference;

(b) whether it is a fact that after a number of years of ban on export of oil and oil-seeds, such exports were allowed only last year and that only a few days notice was given to the public and the trade to apply for export quotas;

(c) whether it is a fact that Government have now announced that only 10 per cent. of the export trade in oil-seeds and oils would be offered to new entrants; and

(d) whether Government propose to reconsider the cases of all those who had applied for export quotas and permits during last year but failed to obtain them and also to increase the percentage of quota of exports reserved for new entrants?

The Honourable Shri K. C. Neogy: (a) Mr. Bhabha had stated that Government were prepared to recognise the prior claim of co-operative marketing societies and federations to a share in both the import and export trades provided they were in a position to fulfil the conditions prescribed for eligibility to receive quotas in respect of the commodities concerned.

(b) There was no ban on the export of oils and oilseeds prior to last year, and export used to be allowed both through normal trade channels and on account of the British Ministry of Food, though the quantities permitted to be exported were small.

The period allowed to the trade last year for the submission of applications was generally one month, except in the case of the supplementary allocations of groundnuts and oil when about three weeks' time only could be allowed owing to the urgency of allotments which had been unavoidably delayed.

(c) and (d). Quotas for export of oilseeds and oils were granted last year on the basis of evidence of firm sales and guarantees of payment, preference being shown to crushers for export of oil. As the quotas of oilseeds and oils this year are much smaller than those allowed in the past and as a large number of new-comers were granted quotas last year, which will now entitle them to receive licences as established shippers, 10 per cent of the quotas has been reserved for subsequent new-comers. The question of increasing this percentage is however under consideration.

NATIONAL ANTHEM

502. *Shri V. C. Kesava Rao: (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact that the Government of India have asked the Provincial Governments to consider "Jana Gana Mana" as the National Anthem for the present?

(b) What is the reaction of the Provincial Governments to this proposal?

(c) What are the provinces which have agreed to have "Jana Gana Mana" as the National Anthem?

The Honourable Pandit Jawaharlal Nehru: This question was addressed to my colleague the Home Minister. But as I have been largely concerned with this matter, I am taking the liberty to answer it myself. I am grateful to the honourable member who has put this question as this enables Government to remove certain misapprehensions on the subject.

The question of having a National Anthem tune to be played by orchestras and Bands became an urgent one for us immediately after the 15th August 1947. It was as important as that of having a National Flag. It was important from the point of view of our Defence Services, and our Foreign Embassies and Legations and other establishments. It was obviously not suitable for "God Save the King" to be played by our Army Bands, or abroad, after the change over to independence. We were constantly being asked as to what tune should be played on such occasions. We could not give an answer because the decision could only be made ultimately by the Constituent Assembly.

The 'Jana Gana Mana' tune, slightly varied, had been adopted as a National Anthem by the Indian National Army in South-East Asia and had subsequently attained a degree of popularity in India also.

The matter came to a head on the occasion of the General Assembly of the United Nations in 1947 in New York. Our Delegation was asked for our National Anthem for the Orchestra to play on a particular occasion. The Delegation possessed a record of 'Jana Gana Mana' and they gave this to the orchestra who practised it. When they played it before a large gathering it was very greatly appreciated, and representatives of many nations asked for a musical score of this new tune which struck them as distinctive and dignified. This orchestral rendering of 'Jana Gana Mana' was recorded and sent to India. The practice grew for our Defence Services Bands to play this tune, and foreign Embassies and Legations also used it whenever occasion required. From various countries we received messages of appreciation and congratulation of this tune, which was considered by experts and others as superior to most of the National Anthems which they had heard. Many expert musicians in India and abroad, as well as many Bands and orchestras practised it, and sometimes slightly varied it, with the result that the All India Radio collected quite a number of renderings.

Apart from the general appreciation with which this tune was received, there was at the time not much choice for us, as there was no proper musical rendering available to us of any other National Song which we could send abroad. At that stage, I wrote to all the Provincial Governors and asked their views about our adopting 'Jana Gana Mana', or any other song as the National Anthem. I asked them to consult their Premiers before replying. I made it perfectly clear to them that the final decision rested with the Constituent Assembly, but owing to the urgency of some directions being sent to Foreign Embassies and the Defence Services, a provisional decision had become to start essential. Every one of these Governors, except one, (the Governor of the Central Provinces), signified their approval of 'Jana Gana Mana'. Thereupon the Cabinet considered the matter and came to the decision that provisionally

'Jana Gana Mana' should be used as the tune for the National Anthem, till such time as the Constituent Assembly came to a final decision. Instructions were issued accordingly to the Provincial Governments. It was very clear that the wording of 'Jana Gana Mana' was not wholly appropriate and some changes would be necessary. What was important was the tune to be played by bands and orchestras, and not the wording. Subsequently the new Premier of West Bengal informed us that he and his Government preferred 'Vande Mataram'.

That is the position at present. It is unfortunate that some kind of argument has arisen as between 'Vande Mataram' and 'Jana Gana Mana'. 'Vande Mataram' is obviously and indisputably the premier national song of India, with a great historical tradition, and intimately connected with our struggle for freedom. That position it is bound to retain and no other song can displace it. It represents the passion and poignancy of that struggle, but perhaps not so much the culmination of it. In regard to the National Anthem tune, it was felt that the tune was more important than the words, and that this tune should be such as to represent the Indian musical genius as well as to some extent the western, so that it might equally be adaptable to Orchestral and Band Music, and for being played abroad. The real significance of the National Anthem is perhaps more abroad than in the home country. Past experience has shown us that 'Jana Gana Mana' tune has been greatly appreciated and admired abroad. It is very distinctive and there is a certain life and movement in it. It was thought by some people that the 'Vande Mataram' tune with all its very great attraction and historical back-ground was not easily suitable for being played by Orchestras in foreign countries, and there was not enough movement in it. It seemed therefore that while 'Vande Mataram' should continue to be the national song Par Excellance in India, the National Anthem tune should be that of 'Jana Gana Mana', the wording of 'Jana Gana Mana' to be suitably altered to fit in with the existing circumstances.

This question has to be considered by the Constituent Assembly, and it is open to that Assembly to decide as it chooses. It may decide on a completely new song or tune if such is available.

Wednesday
25th August, 1948

CONSTITUENT ASSEMBLY OF INDIA

(LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Official Report

Volume VI, 1948

(9th August to 31st August, 1948)

THIRD SESSION

OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1948

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 25th August, 1948.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

QUESTIONS AND ANSWERS

(*See* Part I).

11-45 A.M.

PANEL OF CHAIRMEN

Mr. Speaker: I have to inform the House that under sub-rule (1) of rule 8 of the Constituent Assembly (Legislative) Rules, I nominate Mr. Hossain Imam, Pandit Thakur Das Bhargava, Shri K. Santhanam and Shrimati Ammu Swaminadhan on the Panel of Chairmen.

COMMITTEE ON PETITIONS

Mr. Speaker: I have to announce that under sub-order (1) of Standing Order 80 of the Constituent Assembly (Legislative) Standing Orders, the following honourable members will form the Committee on Petitions, namely Mr. Hossain Imam, Shri K. Santhanam, Mr. R. K. Sidhva, Shrimati Dakshayani Velayudhan and Shri B. Das.

MINES AND MINERALS (REGULATION AND DEVELOPMENT) BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Shri N. V. Gadgil (Minister for Works, Mines and Power): I beg to present the Report of the Select Committee on the Bill to provide for the Regulation of Mines and Oilfields and for the development of Minerals.

BANKING COMPANIES BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE.

The Honourable Shri K. C. Neogy (Minister for Finance and Commerce): Sir, I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to consolidate and amend the law relating to banking companies be further extended up to the last day of the first week of the next Budget Session."

[Shri K. C. Neogy.]

Sir, I obtained an extension of time from the House the other day up till today, but unfortunately it has not been possible for me to find the time to continue the meetings of the Select Committee beyond half a day. In view of my physical incapacity, so to say, to handle this measure in the present circumstances, I seek the indulgence of this House, and I trust that they will grant me the extension of time that I am asking for.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to consolidate and amend the law relating to banking companies be further extended up to the last day of the first week of the next Budget Session."

The motion was adopted.

1. CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

(Amendment of Sections 3, 4, 5, 6 and 10)

2. CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

(Amendment of sections 2 and 4)

3 CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

(Amendment of sections 10 and 11)

Pandit Thakur Das Bhargava (East Punjab: General): Mr. Speaker, Sir, with your permission I beg to move:

"That the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of Sections 3, 4, 5, 6 and 10) be referred to a Select Committee consisting of Dr. Bakshi Tek Chand, Shri Prabhudayal Himatsingka, Shrimati G. Durgabai, Begum Aizaz Rasul, Shrimati Dakshayani Velayudhan, Shri M. Ananthasayanam Ayyangar, Shri Krishna Chandra Sharma, Sardar Hukam Singh, Shri Ajit Prasad Jain, Shri P. Kunhiraman, Shri Deshbandhu Gupta, Shri Upendranath Barman, Dr. B. Pattabhi Sitaramayya, and the Mover, with instructions to report not later than the last day of the first week of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five."

میں اس تحریک کے ساتھ ہی نہایت ادب سے جناب والا کی خدمت میں یہ عرض کرنا چاہتا ہوں کہ موشن نمبر ۱۴ اور موشن نمبر ۱۶ جو کہ Child Marriage Restraint کے متعلق ہیں وہ دونوں موشن بھی آپ ہاؤس کے سامنے ہیں - اس لئے میں ہاؤس کی اجازت چاہتا ہوں کہ ان کو بھی ساتھ ہی move کرنے کی اجازت مجھکو دی جائے - کیونکہ یہ سب ایک ہی چیز کے متعلق ہیں - اور جو بحث ان پر ہوگی وہ تقریباً وہی ہوگی جو کہ میری موشن نمبر ۱ پر ہوگی - اگر مجھے اس امر کی اجازت دی جائے کہ میں ان سب کو اکٹھے موو کروں تو ہاؤس کا بہت سا وقت بچ جائیگا اور بہت سے ممبران جو کہ اس پر تقریر فرمائینگے ان کو دوبارہ تکلیف کرنے کی ضرورت نہیں پڑیگی - اس لئے اگر مجھکو اجازت ہو تو میں ان دونوں موشنوں کو بھی اس سٹیج (Stage) پر موو (Move) کروں-

(English translation of the above speech)

While moving this, I would very respectfully submit, Sir, that I beg leave of the House to combine both the motions Nos. 14 and 16—which also relate

to Child Marriage Restraint and are before the House today—because all these relate to one and the same subject. The discussion that will follow will almost be the same as on Motion No. 1. If I am granted leave to move them together it will save a lot of time of the House and many honourable members who may speak on this, will not have to take the trouble of speaking again. So, if I am permitted, I may move both these motions at this stage.

Mr. Speaker: I think it is desirable that the motions on these three Bills should be consolidated. In that case, I take it that the reference of all the three Bills should be to the same Select Committee. The honourable member might include motions Nos. 14 and 16 in this motion and I will put them in the amended form to the House. In the meantime he can have his say on the motion.

Pandit Thakur Das Bhargava: Sir, with your permission I will move motions Nos. 14 and 16 also. I move:

"That the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13) be referred to a Select Committee consisting of Dr. Bakshi Tek Chand, Shri Prabhudayal Himatsingka, Shrimati G. Durgabai, Begum Aizaz Rasul, Shrimati Dakshayani Velayudhan, Shri M. Ananthasayanam Ayyangar, Shri Krishna Chandra Sharma, Sardar Hukam Singh, Shri Ajit Prasad Jain, Shri P. Kunhiraman, Shri Deshbandhu Gupta, Shri Upendranath Barman, Dr. B. Pattabhi Sitaramayya, and the Mover, with instructions to report not later than the last day of the first week of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

میں جناب کا اور اس ہاؤس کا نہایت ہی شکرگزار ہوں کہ مجھے ان تین موشنوں کو کنسالیڈیٹ (Consolidate) کرنے کی اجازت عطا فرمائی ہے - جہاں تک کہ ان موشنوں کا تعلق ہے میں اس بارے میں آج ہاؤس کے سامنے لمبی چوڑی تقریر نہیں کرنا چاہتا ہوں - کیونکہ پہلے جب میں نے سرکیولیشن (Circulation) کا موشن پیش کیا تھا تو اس وقت بہت ضروری اور اہم باتیں عرض کر چکا ہوں - لیکن اس ہاؤس میں جو کہ سارے ہندوستان کے حالات سے واقف ہے کچھ ضروری باتیں نئے سرے سے دوہرائی جانی لازمی ہیں -

(English translation of the above speech)

Sir, I am grateful to you and the House for granting me the permission to consolidate these three motions. So far as these motions are concerned, I do not want to make any lengthy or detailed speech before the House today, because I have already explained the vital issues at the time of moving the circulation motion. But in this House which is aware of the conditions prevailing in the whole of India, I feel it necessary to recapitulate some points *ab initio*.

Shri M. Ananthasayanam Ayyangar (Madras: General): I would request the Honourable Mover of the motion to make his speech in English so that we can know the contents of the speech of at least the Mover.

Pandit Thakur Das Bhargava: Sir, in obedience to the wishes of our Secretary I shall deny myself the pleasure of talking in my own language and put myself to a certain strain in making my speech in English.

After the Bill was circulated we have received opinions from various parts of India. Before I proceed with the Bill, I would with yourpermission, Sir, say a word about the opinions received. As advised by you, Sir, on a previous occasion I shall not read portions of the opinions which have been received,

[Pandit Thakur Das Bhargava]

because I take it that Honourable Members who have been supplied with the opinions must have gone through them. I will take this opportunity of reviewing the trend of the opinions which have been received.

In the first place the Panth Piploda people have supported this measure. In regard to Coorg there is general support but there is a discordant note by the Judicial Commissioner. Anyhow he has also accorded support to the measure in regard to Section 6. As regards Orissa there is full support to the Bill. Delhi gives full support. The Chief Commissioner, the District and Sessions Judge and others have supported the Bill fully. The same is the case with Ajmer-Merwara. The Judicial Commissioner, the District Judge, the Bar Association and everybody else have supported the measure except Mr. Harbilas Sarda, whose opinion I value very much, as he was the original author of the Sarda Act. He supports the provision about compulsory imprisonment in the Bill but opposes the other measures. As regards Madras Government and people Mr. Ananthasayanam Ayyangar when he spoke last on the Bill made certain observations which have been taken up by those who have given their opinions and they have said ditto, so that if I quote Mr. Ayyangar's opinions expressed on that day I will be giving the opinions of the Madras gentlemen. Mr. Ayyangar was not opposed to the Bill even then and he said that in Madras there were no child marriages. My reply was that in that case nobody would be adversely affected. In regard to Madras there are about 6 or 7 opinions in support and 10 against. The Assam Government opinion is not very helpful either way, because they regard all legislation in this regard as useless. Bihar gives general support. C.P. supports the Bill. In Bombay 23 opinions are in support and about 6 or 7 against. The U.P. support has been extensive. East Punjab has thoroughly supported it. With this support I am bound to submit that the House should refer this Bill and the other Bills to the Select Committee.

What I maintain is that this is not a case in which any support is required. If there are child marriages in the country it is the duty of this Government and this House to see that they are abolished. If such marriages are less in number on account of the operation of the Sarda Act I would be very happy and the House should also be happy. But unfortunately that is not my view. In my opinion in regard to cities there is an improvement but in regard to backward communities and the rural areas there has been no rise in the marriageable age and even now marriages of children are performed and betrothals take place even before a child is born. Those who look at things superficially may feel that there is no need for such a Bill but I claim to have roamed all over the country for 10 months as a member of the Age of Consent Committee in 1929 and since then also I have been going through the country with my eyes open and I know as a matter of fact that there is a great deal of child marriage in the country. And it is idle to suggest that child marriage is not to be found any more in this country. Even if that were so, I would still think that there is room for a Bill like this. But in my humble opinion the evil is too great to be ignored. Since you have allowed me, Sir, to move the two other Bills also, if all the three Bills are taken together I claim that all that the law can do is being attempted to be done by these three Bills in regard to the stoppage of child marriage.

At the last time when this Bill was being considered for circulation Mr. Ananthasayanam Ayyangar told us in his criticism of the Bill that the Bill should be made cognizable. And he was perfectly right. There were other opinions also. In 1929 there was a mass of opinion that this Bill should be made cognizable. At that time, in 1928, that was the first measure and the country was not ripe for that kind of change. After eighteen years when the social consciousness of the country has been roused to a great extent it is high time we took courage in both our hands and made the offence cognizable. I

know that even now the police has not improved, but at the same time I know that the police is improving. And I know that at the helm of affairs there is a nationa government. It should look to the evils, if any, arising out of the offence being made cognizable. Unless the offence is made cognisable it is very doubtful if this attempt of ours shall succeed in stopping early marriage.

The real gravamen of the evil in regard to child marriages is that they bring about conditions in which pre-puberty consummation as well as post-puberty consummation before the girl reaches the age of sixteen do take place. It is impossible to stop the two evils if the marriages are allowed to go on as they are now going on. Even if the Sarda Act is successful in its operation and the age is fourteen, my humble submission is that it is most difficult to stop these two evils—the evil of pre-puberty consummation and the evil of post-puberty consummation before the age of sixteen. These are the main evils and the proper remedy for these evils is to raise the age of marriage from fourteen to fifteen and the age of consent from thirteen to fifteen. There is another Bill before the House today which is the subject of my second motion on this subject and which deals with the age of consent. I am not however going to deal with that Bill today because it has already been circulated and the opinions have not been received. But what I am submitting is that even that Bill will not be successful unless we raise the marriageable age. If the age of marriage is raised to fifteen, then the provisions of the other Bill also will be quite successful. In the second Bill I am providing for another contingency, namely that persons above the age of forty-five should not be allowed to marry young girls below the age of eighteen. This is a new provision and I do not know what the reactions in the country about this provision will be and how different persons think about it, but I have given good thought to the question and I think it is a very necessary reform. In regard to procedure also the third Bill, which is the subject matter of motion No. 16, deals with the question. Clause 3 of the proposed Bill provides for bonds and clause 4 deals with the registration of marriages. I do not want to deal with these two aspects of the question in very great detail because these two provisions have been before the country for the last eighteen years. The Age of Consent Committee recommended these provisions. The Report of the Age of Consent Committee was quite unanimous in regard to these two points. They submitted to the Government that these provisions should be enacted, but for the last seventeen years no heed has been paid to these provisions and I have therefore brought them before this House in that Bill. When they go to the Select Committee the Select Committee will have enough time to consider these provisions and pronounce upon their merits. At present the need for these Bills is quite apparent and the whole country, as I have shown to the House from the opinions received, is behind these two measures.

12 Noon

I know that the Hindu Code is also coming and that there are certain provisions which are to a certain extent common. But these Bills are All-India measures. They apply equally to all communities, to Hindus, Muslims, Christians and all others. And I may inform the House that the evil of early marriage or child marriage is not prevalent only among the Hindu community. Among Muslims, particularly in Bengal and other places, the evil was equally great. But the unfortunate part of the whole affair is that those entrusted with the destinies of this country did not realize, and do not realize, the enormity of the evil. I remember when the Committee went to Assam and when we examined Sir Mahomed Saadullah in the matter he did not know much about the evil. He said that the Muslims do not want it because there is no child marriage among Muslims. When we brought to his attention the fact that among the Muslims the evil was as great as among Hindus in Bengal according to the evidence before us, he changed his opinion. Similarly, as I had occasion to observe before, our best leaders even did not know about the enormity of the evil before the Committee roamed over the country and found

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that the vitals of the nation were being eaten into by this bad custom. Now, since the Sarda Act has been before the country since the last seventeen years we have seen that the country is reconciled to the fact that child marriage should not be there. There has been no great opposition. Now that the rubicon has been crossed there is no point in keeping fourteen as the age. When fourteen was fixed, by the Age of Consent Committee and the House accepted it, it was as a compromise measure. Those who wanted progress wanted sixteen whereas those who wanted less were of the opinion that twelve should be the proper age so that the *shastras* would also not be violated. So fourteen was a compromise age. Fourteen having been accepted there is good reason to think that now we should proceed to the right age according to medical evidence. And medical evidence is almost unanimous on this point. Maternity is not safe before the age of sixteen. And if maternity is not safe before sixteen no marriage should be allowed before the girl attains the full age of fifteen. That is the logical conclusion. Now, Sir, I would not care for public agitation or for anything in the world when from the physical and physiological point of view, the proposition is absolute and unanimous that in the case of girls below the full age of fifteen years no consummation should be allowed.

I need not refer to the effects which I foresee if these three measures are adopted by the House. I know that in regard to education our girls shall get better opportunities; in regard to physique I have not the least doubt that we shall improve. It is said that our labourer does not stand in comparison with the labourer of other countries. And our labourer is not paid well. Our professors, our legislators and all persons living in India are regarded as, in a measure, inferior to the nationals of other countries. Why? Because many of us are the children of child mothers. When a girl gives birth to a child at the age of fifteen, certainly the child will not be so healthy as when the mother is, say, eighteen years of age. I should say that the proper age for motherhood is eighteen and the safe age for motherhood is sixteen. In regard to this, the demands of social justice—ordinary justice—are that we should not be cruel to our own girls.

I for one am very much enamoured of this kind of social justice and I wish that so far as girls are concerned, we concede this justice to them. When a girl is below 18 and she is not even major enough to part away with any part of her property, she should not be dealt with in such a manner that another person who is in charge of the girl should behave in regard to her person as if she were a chattel. Do we not know that many people, for filthy lucre, for social gain and for many other reasons, marry their girls before they attain the age of 18? If the girls attain the age of 18 then they shall be able to choose for themselves, though full discretion will not still be there. But when the girl is below 18 years she should not be dealt with by a guardian in this manner that her wishes are not consulted; if the marriageable age of a girl rises, I have no doubt that the girl will be consulted before her marriage, and therefore some sort of social justice will be done to the girls.

Now, in regard to the provision about imprisonment, there has been a general complaint that in regard to Section 3 the provision should not be changed because many of the opinions say that the boy of 18 should not be sent to jail. I quite agree. As a matter of fact, the proposed amendment was not that the courts are bound to send the boy to jail—only a discretion was given because I wanted that the boy should be armed with powers to resist overtures on behalf of the parents to marry him. All the same, in a matter like this I would not insist and I would readily agree if the Select Committee agrees that Section 3 need not be changed. What I want is that in regard to Sections 4, 5 and 6 the punishment should be compulsory. We know that according to the provisions of section 87 of the Indian Penal Code,

no person can be allowed to inflict injury on another even in any small measure. The amount of injury which child marriage involves is of such an enormous nature, though it is not so visible to an ordinary eye, that under ordinary canons of justice no person should be allowed to behave towards his own daughter in such a manner that he inflicts injury while the recipient of the injury does not know how much injury has been received.

I do not want to dilate very much upon this Bill as I have already taken too much of the time of the House before. I would only submit that as a matter of fact, according to my view, this reform is very necessary and should at once be effected, and our National Government should lose no time in seeing that effect is given to it after the law is passed in regard to the stoppage of child marriages.

It has been urged in many quarters—and I for one do not doubt the efficacy of the argument—that education, social reform and all these measures should be resorted to so that in the public mind the enormity of the evil may be realised. I am not opposed to them, but I know that so far as social reforms are concerned we shall have to wait till doomsday if we want to see results achieved. The first meeting in regard to this child marriage question was held in 1930 and for the last 17 years the Sarda Act has been before the country, and we know the results. My submission is that it is absolutely necessary today that there should be an Act and the Government should also do propaganda and adopt measures to bring home to every person the evils of the custom of child marriage. We have been doing our duty, but we know at the same time that there are other forces which are very strong and which will not allow us to succeed if the arm of the law is not with us. Therefore, with regard to all these three Bills I would beg of you and the House to agree to the motion that I have made.

Mr. Speaker: Instead of putting the three motions separately I am thinking of combining the motions into one.

Motion moved:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, (*Amendment of Sections* 3, 4, 5, 6 *and* 10), the Bill further to amend the Child Marriage Restraint Act, 1929, (*Amendment of Sections* 2 *and* 4), and the Bill further to amend the Child Marriage Restraint Act, 1929, (*Amendment of Sections* 10, 11 *and* 13), be referred to a Select Committee consisting of Dr. Bakshi Tek Chand, Shri Prabhudayal Himatsingka, Shrimati G. Durgabai, Begum Aizaz Rasul, Shrimati Dakshayani Velayudhan, Shri M. Ananthasayanam Ayyangar, Shri Krishna Chandra Sharma, Sardar Hukam Singh, Shri Ajit Prasad Jain Shri P. Kunhiraman, Shri Deshbandhu Gupta, Shri Upendranath Barman, Dr. B. Pattabhi Sitaramayya, and the Mover, with instructions to report not later than the last day of the first week of the next session, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Sir, I rise to support the general principles of the Bill. I should however point out that the opinions which have been received in support of the Bill, are generally from the educated classes; the backward classes who, as pointed out by Pandit Thakurdas Bhargava in his speech, require the greatest amount of protection in this respect, are not behind this opinion. By that I do not wish to suggest that no law should be passed to affect them. I know that amongst the backward classes there is a vicious practice of marrying their girls rather too early. I merely suggest that with respect to these classes, the age should not be so raised as to be much above the usual age at which they are married. I merely suggest this for the consideration of the Select Committee, that if we insist upon too high a standard in the case of backward people who form the bulk of the people, there would be the danger of wholesale violations of the law by a kind of general agreement among the backward classes in the villages. I merely submit this as a precaution, so that the law may not be very much against the general sentiments and the general practices in the villages. I should submit that we should proceed in such cases rather in a statesmanlike manner and with due caution.

[Mr. Nasiruddin Ahmad]

I submit that the punishment in these cases should not be very drastic. Sir, child-marriage is due to age-long prejudice which is deplorable, which we are fighting against. It is not the ordinary crime, as we understand it, involving moral against. It is not the ordinary crime, as we understand it, involving moral turpitude as is commonly understood. It is rather a social evil which is almost a part of the social life amongst the backward classes that we are fighting against. The offences should not, therefore, be punished very severely; in fact, lenient punishment is all that is called for. Again, the offences, to my mind, should not be made cognizable because that would introduce the police into the scene and this will lead to abuses.

Then, again, poor working girls who are almost friendless have got to go about seeking livelihood. It would perhaps be a little risky on our part to leave them alone without the protection of a husband. Under these circumstances, the age with regard particularly to the backward classes should be carefully considered and adjusted so as not to go much against the wideapread sentiments among the very classes whom we want to protect. While making these observations, I do not in the least go against the Bill but rather would ask the Select Committee to go fully ahead, but remembering that the social evil which we desire to eradicate, exists on a very large scale in this country. The success of the law would depend upon the co-operation it evokes among the people whom it intends to benefit and should not therefore appear unduly harsh or coercive. With these few words, I hope the Select Committee which is composed of some of the ablest members of the House would take into consideration these matters and adopt such measures as, to them, would seem fit and proper.

Srijut Rohini Kumar Chaudhuri (Assam: General): Sir, I have no doubt that the House is grateful—and by the House I mean particularly the female section of this House—to the industry and labour which my Honourable friend the Mover of this Bill has always devoted to the improvement of the social condition, particularly the protection of female interests. But, I am afraid that certain provisions of this Bill are not quite clear to me and when I read them with certain other provisions of legislative measures which my Honourable friend is seeking to introduce or has introduced, I confess his attitude becomes inexplicable to me. For instance, Sir, take this demand of making the offence a cognisable one. The legislators of the days of the Sarda Act fully realised the fact that if this offence is made cognisable, then society would become a prey to police oppression and intimidation. My Honourable friend does not deny that the Police is still in the same state as before, notwithstanding the fact that our Honourable and revered leader, Sardar Vallabhbhai Patel is in charge of it. My Honourable friend, in his Statement of Objects and Reasons in the Bill further to amend the Code of Criminal Procedure has said:

"Many accused persons abscond for fear of Police apprehension or torture and would gladly stand a trial and vindicate themselves before a Court of law if they were assured they will not be unnecessarily remanded to Police custody..."

Pandit Thakur Das Bhargava: May I submit for the consideration of the Speaker that the honourable member is referring to the objects and reasons for another Bill?

Srijut Rohini Kumar Chaudhuri: Yes, I am referring to another Bill. That is the opinion which the Honourable Member entertains so far as Police is concerned and he cannot have one opinion about Police in respect of one Bill and another opinion about Police in respect of another Bill. He goes on:

"The present Police methods of investigation and interrogation from accused are in many places anything but desirable and it is notorious that confessions made by accused while in Police custody are but seldom stuck to in courts. It is not unheard of that the Police abuse the provisions of Law with regard to bail even in bailable cases. Many

honest and respectable persons would prefer ignobly flying away from justice rather than subject themselves to the ignominy and indignity of police arrest and custody. When it is remembered that a very large percentage of persons prosecuted is discharged or acquitted by courts and malicious prosecutions and false implications by enemies in bailable and non-bailable offences are not rare and under the law as at present interpreted by some courts the ordeal of Police custody is necessary to be undergone by every accused howmuchsoever innocent. The need of a change in the Law or to get the doubt at rest in this regard becomes imperatively necessary."

So that is his opinion about the Police, and for all kinds of offences—bailable or non-bailable, heinous or non-heinous,—my Honourable friend suggests that instead of placing any man in the rigidity of custody, he should be allowed to go to the court and make an application for bail. If that is so with regard to bailable offences, why does he want that these social offences should be made cognisable? Why should he expose these people who sometimes believe erroneously or otherwise that it is a part of their religion to give their daughters in marriage before they attain puberty? Why should he expose these persons of high position to the tender mercy of the Police, inspite of the fact that he has not done so in the case of more heinous offences? This is a demand which I do not understand. I would rather have wished him to make it a non-cognisable one, but make it a non-bailable one, because even in non-bailable cases except where the offence is punishable by capital sentence, bail is generally allowed and in all cases where the punishment involved is not a capital sentence, it may be necessary to make it a non-bailable one. The Magistrate should have the discretion not to grant bail in cases where he has definite information that a marriage of an objectionable kind is going to take place. If the accused is arrested and if the Magistrate has the discretion to refuse him bail, that would be a greater service for prevention of objectionable marriages. If, for instance, a Magistrate has reliable information that a marriage which is infringing the Sarda Act is going to be celebrated on such and such a day he may issue a warrant and arrest him; he must have discretion not to grant bail. In that case it will be much better to make the case a cognisable one than to expose the man to police custody. I hope, Sir, the Honourable Mover will take this aspect of the matter into consideration.

Then, I do not understand why he has introduced this provision of 562 of the Code of Criminal Procedure. That section enjoins the court to release a man without any punishment provided he gives a security to see that such offence will not be committed again.

An Honourable Member: It is something like the first offence being condoned.

Srijut Rohini Kumar Chaudhuri: That is to say, the honourable member does not go to the length of punishing an offender under this clause.

Then, Sir, he has also under clause 3 prescribed the execution of bonds under certain circumstances even after the celebration of marriage. I submit, Sir, that this is an inhuman and impossible condition which he wants to retain. He has himself admitted it in the Statement of Objects and Reasons where he has been more explicit than necessary and taken into consideration the human weakness.

In paragraph 3 of the Statement of Objects and Reasons, he says:

"The provision of bonds will at once serve as a preventive check upon commission of crime of marital misbehaviour and as a serious deterrent for offences under the Child Marriage Restraint Act. These provisions were recommended by the Age of Consent Committee and proceeded on the lines of the preventive sections of the Code of Criminal procedure.

It is common experience that it is impossible to prevent the commission of the crime of martial misbehaviour and to punish the offenders if the husband and the child-wife are allowed to cohabit with each other. It is as idle to expect that fire will not burn or air would not dry as to expect that crime will not be committed if the husband and the child-wife are

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allowed to be closetted in the bed chamber. Ascetism cannot be enforced by legislation and the creation of conditions in which crime cannot be committed is the only solution of the difficult problem.

Moreover an attempt to punish the offenders and abettors of the crime of marital misbehaviour will be much more irksome and annoying to the public than the attempt to prevent the crime from being committed through the instrumentality of the provision of bonds."

This is his opinion, but what is the legislative provision he has laid down? He says:

"Whenever any person accused of an offence under sections 3, 4 and 6 of the Act is convicted and the Court is of opinion that consummation of marriage or cohabitation with the wife before the completion of the statutory age of consent in married life is not unlikely, the Court may order him to execute a bond with or without sureties for a sum proportionate to his means."

What is the sentence prescribed? Imprisonment for three months. The man has already married and he is asked to give a bond with or without sureties and he is merely to give in writing that he will not visit his wife; otherwise, he is sent to jail. Such a promise can be very promptly given and such a promise which is not backed by any forfeiture of security can be easily infringed, will never be kept. I do not think a man of much older age can give a promise of this kind. Otherwise, there would not have been any necessity of introducing birth control in India. I think that this is an absolutely nugatory provision. Then he says:

"The bond to be executed shall bind the person convicted under section 3 or 4 of the Act, to abstain from consummating the marriage or cohabiting with the wife till she completes the statutory age of consent in married life, and the person convicted under section 6 to be responsible for such abstention by his son or ward as the case may be, and to that end impose such conditions as the Court considers suitable for making provision for separate living, proper custody and maintenance of the wife."

The parent will be proceeded against if he does not provide for a separate bed room for his son, separate bed room for his daughter-in-law and if after having done that, he has to see that they do not mix; otherwise he would be liable for forfeiture of the security bond. May I ask the honourable mover of this Bill, will that be a sufficient check, the mere giving of a bond by a parent that their wards, will not mix with each other, will that be a sufficient prevention against the breach of this law which he wants to impose? I submit, Sir, these are merely theoretical precautions which the honourable member wants to make and that it will surely defeat the very object for which it is intended. On the other hand the remedy is to introduce social measures. In our part of the country, there is a strict injunction that after the marriage, whatever may be the age of the girl or the boy, they cannot mix with each other until a second ceremony is performed after the attainment of puberty and that acts as a sufficient check and no amount of legislation which you can introduce can help you in keeping the man or the boy away from the girl whom he has married and in these days the boys and girls are married as a result of previous negotiations between themselves. When it is so, it is very difficult to estrange them from coming around together and it is very cruel to punish the old parents for this breach of law by their children.

I would submit, Sir, in the part of the bill which seeks to amend sections 10 and 11, the offence should not be made cognizable but it may be made non-bailable. The whole matter of giving bail may be left to the discretion of the Magistrate and these nugatory clauses should be done away with. It is meaningless and will only lead to subterfuge and dishonesty and nothing else.

Sir, as regards the age of consent, I submit that the proposition which my honourable friend has laid down is more mathematical than realistic. He has himself given the reasons why he has put down that when a man attains the

age of 45 years, he should not marry a girl who is less than 18 years old. I do not know, Sir, on what authority of medical men or of public health he has introduced this particular barrier? I will just invite the honourable members of this House to refer to the reasons which he has given and find out whether there is any substance in it. I want to ask the honourable members of this house whether they endorse the views which he had expressed in the Statement of Objects and Reasons. He says:

"The Bill further seeks to afford protection to young girls under eighteen against ill-matched marriages, say with males over the age of 45 years usually widowers (*Why he is particularly hard against widowers, I don't know*) with children perhaps older than or equally old as these young girls.

Not unoften greedy and indiscreet parents and guardians barter away the future happiness of their daughters and wards for filthy lucre or other alluring prospects by marrying them with elderly people who have one foot in the grave while the girls are, owing to their minority, unable to resist and safeguard their interests. Many cases have come to courts in which the lust of impatient husbands had ruined the physique of the young girls or caused irreparable damage to their health. It is common experience that such marriages are generally attended with very unhappy consequences and spread morbidity, immorality and misery all round.

The relative ages and consequent outlook on life of the couple being so desparate and dissonant the period of married life is short and seldom happy. The young girl in her early teens does not respond alertly to the violent bursting forth passion of the impatient and elderly husband whereas in later life the dotard husband is far too sluggish and incapable to fully reciprocate and satisfy the yearnings and promptings of the youthful and fully grown woman....."

Wherefrom does he get all this opinion, Sir? Whether he has any authority, medical or otherwise on which he relies or whether he speaks from any personal experience, I am not aware. By personal experience, I do not mean the experience of himself but by seeing the examples of other people.

" . . . . In a fairly large number of cases the young wife becomes a widow after enjoying a short span of married life even before she has grown to full womanhood. The condition of widows in communities which prohibit remarriage is extremely deplorable and there is nothing but unredeemed misery and trouble in store for such long lived widows. In other communities also the fate of the widow is full of great hardships and misfortunes."

He is not relying on these arguments, now he comes to the real argument.

"Anyhow, the normal happy matrimonial felicity and companionship, characteristic of suitable matches, which invest married life with enchantment and mutual devotion and make it worth living are wanting in such marriages which should be discouraged and interdicted. It is really cruel and unjust to mar for good the future well-being of a young girl at a time when she is dependent and unable to defend her own interests, and other considerations apart, the barest justice demands that young girls be protected against social tyranny of such reprehensible type."

I hope there is really such thing as an enchanted married life. Those who have recently married will be able to tell us from their experience if any such enchanted life exists and whether marriage really brings enchantment or not. According to my honourable friend, a really enchanted married life can only take place if the girl is above 18 years or above 16 years of age and the man is under 45 years. I leave it to the Honourable members to judge for themselves if they have had an enchanted married life under those conditions or even still they are having an enchanted married life under different ages. My point is this. I do not want to deter my honourable friend for one moment in his zeal for social reforms; but I would ask him not to be led away by sentiments like this: the dotard old husband, grown up young woman unable to get satisfaction, and all that kind of argument. That sort of argument should not be used to support a legislative measure of this kind, because, it will bring distrust and unhappiness in many families which are otherwise happy. What will happen if a woman were to think that her husband is more than 45 years of age and therefore her enchanted married life is at an end, when we know and I think several Members in the Government Benches also know that an enchanted married life is possible even under different age conditions. At this

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moment, to bring legislation of this kind and to tell them that there cannot be an enchanted married life because the age is such and such is only to bring unhappiness and misery to families otherwise happy.

श्री राम सहाय : स्पीकर महोदय, यह तीनों बिल जो अभी हाउस के सामने हैं और जो सिलेक्ट कमेटी में जाने के लिए हैं, मैं इन तीनों बिलों की ताईद करता हूं और मैं यह अर्ज करूंगा कि जो पहला ऐक्ट बना हुआ है उस पर कोई अमल नहीं हो पा रहा है और तमाम ऐसे जुर्म होते जारहे है और छोटी उम्र में बराबर शादियां की जा रही हैं। खासकर पामीण जनता को उससे कोई भी फायदा नहीं पहुंचा। वह अपने पुराने उसूलों के मुताबिक उसी तरह से छोटी छोटी उम्र में शादियां करते हैं। मैं समझता हूं कि जब तक यह जुर्म काबिल दस्तअन्दाजी पुलिस न होंगे तबतक इस छोटी उम्र की शादियों की रोक किसी तरह पर नहीं हो सकती। आजकल पुलिस के बढ़ते हुए करप्शन (Corruption)को देखते हुए इस बात में डर मालूम होता है कि इस तरह के जरायम का पुलिस के हवाले कर दिया जाय, लेकिन जहां हमारी जान और माल हर तरह से पुलिस के हाथों में सौंपी हुई है वहां कोई वजह नहीं है कि इस किस्म के जरायम को भी पुलिस के सुपुर्द क्यों न कर दिया जाय और उनको काबिल दस्तअन्दाजी पुलिस करार दिया जाय। मैं समझता हूं कि इन जरायम की रोक उसी वक्त होगा जब यह काबिल दस्तअन्दाजी पुलिस करार दिये जाये, एक बिल में ऐसा चाहा गया है कि उम्र १४ से १५ साल और १८ से २१ साल कर दी जाय, मैं समझता हूं कि यह भी मौजूद हालत में मुनासिब है क्योंकि वैसे भी हर एक कम्युनिटी (Community) में शादी की उम्र कुछ न कुछबढ़ ही गयी है। इस तरह से अगर कायदे से रोक कर दी जाय तो उसमें कोई बुराई नहीं है। बाकी जो ऐतराजात अभी मिस्टर चौधरी ने हाउस के सामने रखेहैं, मैं समझता हूं उनपर सिलेक्ट कमेटी अच्छी तरह गौर कर सकेगी। यह उस माइनर डिटेल्स (minor details) में जाने की जरूरत नहीं है। बहालत मौजूदा यह तीनों बिल इस काबिल है कि यह सिलेक्ट कमेटी के सुपुर्द कर दिये जाये।

(English translation of the above speech.)

Shri Ram Sahai (Gwalior State): Mr. Speaker, Sir, while supporting these three Bills which are just now before the House for reference to the Select Committee, I would like to point out that the existing Act has become a dead letter—all such crimes are being perpetrated and early marriages are continually performed. Particularly the people in the rural areas have not been benefitted by this. They are still performing early marriages according to their old customs and traditions. I feel that unless these offences are made cognizable, early marriages cannot be stopped in any other way. Considering the present-day increasing corruption in the police, it is feared that such offences should be brought within the cognizance of the police. But when our life and property have been solely left in the hands of the police, there is no reason why such offences should not be made cognizable. I think these offences can be prevented only when they are made cognizable. The object of one of the Bills is to raise the age from 14 to 15 years and from 18 to 20 years. I feel that this is quite appropriate in the present circumstances because in every community the age of marriage has already been raised to some extent. There will be no harm if this is raised according to law. Further, I think that the Select Committee will carefully consider the objections raised by Mr. Chaudhuri. It is no use going into minor details here. Under the present conditions, these Bills may be referred to the Select Committee.

The Honourable Dr. B. R. Ambedkar (Minister for Law): Sir, I accept the motion referring these Bills to the Select Committee. In doing so, I must safeguard my position. I felt bound to accept the motion because last time when the Bills were on the agenda, I made a promise to my honourable friend Pandit Bhargava that I would bring in a Government Bill myself to cover the various points raised by him in the Bills which he had sponsored. Unfortunately, owing to other preoccupations, it was not possible for me to give effect to the promise which I had made. In the circumstances, I felt that I should not stand in the way of his making the motion which he has made.

At the same time, I must say that while I appreciate the objects and motives which have led him to bring these Bills before the House, I do not at all accept either the means or the methods which he has suggested in the various Bills to bring about the result. In fact, I cannot help saying that the second Bill sponsored by him is utterly misconceived and fails altogether to realise the reasons why the Legislature when it first enacted this measure, declined to make the offence cognisable. He does not realise that the foundation for the administration of this Act is a valid, proper and accurate register of births and deaths. It is because the parties may get their children married without fully realising that they are below the age that the Legislature did not make this offence cognisable. That fact unfortunately still remains. However, as I told my honourable friend Pandit Bhargava, I had thought of some other methods of bringing about similar, if not the same, results. For that purpose, as I said, I must safeguard my position by saying that while I accept the motion for referring these Bills to Select Committee I reserve to myself the entire liberty of changing the Bills altogether, not having three Bills but having probably one single Bill covering all the points. It is only on that understanding and that expression of view before this House openly that I accept this motion.

Shri M. Ananthasayanam Ayyangar: Sir, lest it should be said that we may not be entitled to make some radical changes in the Select Committee I am trying to place my views before the House at this moment. I agree with my Honourable friend the Law Minister that so far as procedure and making the offence cognisable are concerned, I am not much in favour of this procedure or making it cognisable. I am afraid making it cognisable would place in the hands of the police or other authorities a very valuable weapon of harassment even in proper cases. No doubt the complaint has to be laid before the District Magistrate and a preliminary inquiry is also to be held; but all the same whether it ought to be cognisable is a matter which may be considered. It should not be taken as a principle which this House has accepted at this stage.

As regards the principle the first Bill extends the period of childhood from 14 to 15 in the case of a girl and 18 to 20 in the case of a boy. I agree so far as that is concerned. The objection to the Sarda Act originally was that 12 or 13 was the age of puberty and under the *Shastras* no girl should be married after that age. On the other side it was argued that it might lead to a better progeny. I do not see any serious objection to raising the marriageable age from 14 to 15. In my part of the country people who were originally under the impression that girls must be married before the age of puberty are now reconciled to the higher age. Therefore in high class families girls are not married just after 14 but long after they are 16 or 18. My fear is the other way: we may develop a body or regiment of spinsters in this country. Till now there was not that risk. Everybody felt it was his duty to perform prepuberty marriage and therefore he would beg or borrow or steal or sell himself to get his girl married. Today that religious sanction has gone. Therefore if a girl is married after 14 she can remain till a good husband comes. A girl who has passed the B.A. wishes to pass the M.A. also and unfortunately

[Shri M. Ananthasayanam Ayyangar]

English education has a market value today. And even an educated, a cultured man says, "I do not know, ask my mother" about the terms. And she says, "I want a small pot of gold and just ten acres of land out of your hundred acres, and a bracelet, and nothing else", and so on. Each member of the family goes on adding to it. For various reasons, because the girl expects an I.C.S. husband and therefore cannot ultimately marry, and the boy goes on demanding more and more money, poor people are not getting married. Formerly there were not many spinsters in the country but now they are coming into existence, and raising the marriageable age from 14 to 15 is not going to make any change. But among the lower classes marriage before 15 is prevalent. To make the provisions stringent a kind of imprisonment may be a better punishment, and that is the object of the Bill. Instead of making imprisonment optional the Bill seeks to make it compulsory and raise it from one month to three months. The richer man can easily pay the thousand rupees fine; he adds it to the marriage expenses and pays it to the State while giving Rs. 2 to the priest. A high class man is afraid of going to jail while a thousand rupees fine may be nothing for him. A boy who marries between 18 and 21 should undergo compulsory imprisonment and imprisonment is included in the terms of punishment. Hitherto it was not obligatory to impose punishment nor was imprisonment contemplated as a punishment. It is a proper addition to the section under the Bill.

I do not agree with the amendment sought to be made in section 10 of the original Act which makes a preliminary inquiry obligatory before further steps are taken. The Mover wants to do away with this wholesome provision by substituting "may" for "shall". I do not agree with it and we may consider whether we should alter it.

Then I come to the second Bill. There is a disparity of age between 45 and 18. A person of 45 is not prevented from marrying a young woman. We are in favour of getting marriages celebrated, otherwise creation itself will go to the wall. So people must get married. But the difficulty is this.

There is no advantage in quoting the analogy of some of our friends. Forty-five years and over is different. Eighteen years is the age limit prescribed under the original recommendation of the Committee which went round before the Sarda Act was passed in 1929. My friend, Mr. Bhargava, has the idea of raising the age from 15 to 18 in the case of girls. If a man wants to marry for the second time or for the first time in his 45th year of his life, that marriage with a girl of 18 will be unhappy. He must have some woman nearer his age.

Some time ago I heard that such a Bill was introduced in the Legislative Assembly of Bombay or the Central Provinces. But the disparity in the ages between husband and wife should not be more than 15 years.

Therefore this is a very wholesome provision and I welcome it.

Then about making it cognizable. I am objecting to that. I hope my honourable friend, Mr. Bhargava, will be a little flexible in the Select Committee and try to agree to make this workable and not make it a harassment while being anxious to introduce this reform. I do not want this to be a cause of trouble and power to harass left in the hands of the police.

I agree with the objects in the Bill and as the Honourable the Law Minister has said we must have freedom to modify them so as to make all the Bills useful and thereby bring about a useful addition or improvement to the existing law.

I support the motion for reference to the Select Committee.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Babu Ramnarayan Singh (Bihar: General): Sir, when I look at these measures I am persuaded to welcome them and to thank and also congratulate my honourable friend Pandit Thakur Das Bhargava. The measures are so very good but when I look at the circumstances obtaining in the country I am greatly discouraged. The Sarda Act has been on the statute book for so many years but no good result has come out of it. Before the Act was passed almost all the children in the country were married. I do not know what to do in this House or in the country. We are passing measures after measures but so far as the real good of the people is concerned there is nothing. Two things are most essential—Education of the masses and purification of the governmental machinery. Unless these two things are fully assured no measure will do any good to society.

It has been said that when a measure is sent to the Select Committee the House is committed to the principles of the Bill. There was a discussion on this point in one of the select Committees meeting in which I was also a member. The House is committed no doubt but not to every particular item of the Bill but only to the general principle that there is a condition in society which ought to be reformed. Prevention is better than cure. I would therefore request the members of the Select Committee to so amend the Bills as to make such marriages impossible, so that child marriages cannot take place. Supposing such undesirable marriages take place then provision should be made so that each and every such case may be brought before the court and the court should declare them invalid for all time to come. Unless we do something like that I do not think this measure will be of any use. If such a marriage takes place the bridegroom or anyone belonging to his party will be sent to jail for three months and as Mr. Ananthasayanam Ayyangar said, they will say "Let the marriage take place but after three months we shall be all right." This will not do. The first thing is that we should see that we can prevent such marriages.

As regards marriage between a man above 45 and a girl under 18 I welcome the measure in this regard. This kind of marriage should not take place. But the question is how to prevent it. The marriage has taken place and the matter has been brought before a court. The girl will be asked to say that she is above 18 and the man will be asked to say that he is below 45. The margin is so very small that it will be difficult to deal with such cases. There are so many loopholes. All of us in this House and outside should be anxious to educate the masses and to purify the administration. I think Pandit Thakur Das Bhargava said that there has been some improvement in the police department. I do not know how he had the courage to say it. I wish there had been some purification in the police department. Besides passing such Bills we should be anxious to see that good education is given to the people in the country, so that society may be sufficiently educated and the first and most important thing is to see that there is purity in the administration of the government. With these words, Sir, I again support the measure.

Shrimati Renuka Ray (West Bengal: General): Mr. Speaker, in as much as the three Bills that my honourable friend has brought forward try to make more effective the provisions of the Child Marriage Restraint Act I fully support them. I think all those who have worked for social reform in this country are well aware of the very great difficulties they have encountered in getting the Child Marriage Act as it stands now to be effective in the country. I have seen the opinions that have come from the south, about which my honourable friend Mr. Bhargava mentioned. I can only say that the South must be particularly fortunate if even in the villages child marriages have disappeared.

[Srimati Renuka Ray]

I am afraid I cannot claim that that is so in my Province or in any of the neighbouring Provinces to the villages of which I have been. I should like to say that when we went to Noakhali and Tipperah after the disturbances there, we were in fact shocked to find the tremendous number of child marriages that took place. We went there for rehabilitation work, but found that we had to do social reform work also in those places, to prevent children from getting married.

One of the difficulties which we have encountered right through the years is that the infringement of the act is not a cognizable offence. There are other difficulties. For instance there are many people, who are genuinely ignorant of the age of their sons and daughters. It is not always that they go against the law deliberately. In villages you ask the age of a girl who can't be more than nine or ten and you will be told 'Oh, she is sixteen'. In the same manner if you ask a woman's age, she would look fortyfive but she would say that she is twentyfive. These things do occur. I think that one of the most essential provisions is that we must have compulsory registration of births and of marriages to make this Act effective.

My honourable friend Pandit Bhargava said that this is a measure which will bring in social justice for women. I think that he is being rather over-ambitious. It is quite true that if we can make the operation of the Child Marriage Restraint Act effective it will protect girls, and prevent many grevious abuses but at the same time, the greatest measure of reform that it will bring about is that it will help towards bringing in a healthy, virile and a strong nation. Now that we are a free country we cannot afford any longer to ignore these basic factors which have gone against the health of the nation. It is from that angle that we have to primarily support this measure and I hope that when it emerges from Select Committee it will become very much more effective, so, that the Child Marriage Restraint Act will really become operative in this country. But, as I said, my honourable friend has been over-ambitious in using the words 'social justice'. I do hope that he does mean that all measures of social reform which will bring in equality, which will bring in social justice, such as the Hindu Code which is shortly to come up before this House, will meet with his full concurrence. Because, social justice has a wider context than what this Bill can provide. This Bill is not a Bill by which you can bring social justice to women though it prevents the malusе of children and girls. It is a Bill whereby you help to bring in a better and a healthier nation by not allowing women to become mothers at an age when they are not fit to be mothers, and prevent the malusе of young girls.

I do not want to go into the details of the provisions. I agree with the Honourable the Law Minister that the powers of the Select Committee should be made wider so that they can cover the whole ground and find out what would be the best means of making the Child Marriage Restraint Act effective. I think one of the provisions in the Hindu Code whereby marriage under certain age is going to be prevented will also be very effective towards achieving this. I hope that it will not be long before this Bill, having emerged from Select Committee, will be passed in the House; this, together with the provision in the Hindu Code preventing marriages under a certain age, whether civil or sacramental will enable us to stop child marriages in this country once and for all.

Prof. Shibban Lal Saksena (U. P.: General): Sir, I must thank—and I think the whole country will thank—Pandit Thakurdas Bhargava for having brought forward these Bills. In fact these Bills have been long overdue. And credit shall no doubt go to my friend Pandit Bhargava for having forced the Law Minister to promise him that he would try to bring forward a comprehensive

measure incorporating all that these Bills provide for. I fully agree with the Honourable the Law Minister that the Bills, as they are drafted, cannot be accepted. They have to be modified and brought up to suit the needs of our country. The Law Minister has pointed out rightly that one of the great obstacles in enforcement of the provisions would be the actual age. We know the difficulties we find in respect of the actual age. Even in schools when certificates are given we sometimes say that the age is wrong and we have to fight for its correction by saying that the father was ignorant and he gave the wrong age. So, until correct birth registers are maintained it will not be possible to say what the exact age of a girl is. Some time will elapse before machinery for keeping these registers can be perfected. I would say that at least henceforth the Law Minister and the Government ought to see that arrangements are made by which registration of births and deaths is made accurately so that this excuse, or this difficulty, may not have to be faced in the future. I know that in this Bill provision has been made for registration of marriages. But I wish that more effort is made to get the law acted upon. Before this Bill can be really effective we must have a correct register of ages. Our experience in the villages is that many people do not know their age, and about girls it is almost impossible to know the age. Under such conditions, to make the offence cognizable is not proper, especially in the present temper of our police. I wish that very soon we change the temper of the police. While saying that the offence should not be made cognizable under present conditions I would say that punishment of imprisonment, should be provided for this offence. I hope the Law Minister and the draftsman will see to it that the offence becomes difficult to commit and that the punishment is severe. I hope also that he would try to see that the Bill does not give rise to other evils like harassment by the police of the poor people of the village by saying "Well, your girl is only thirteen years of age and you have got her married."

As my honourable friend Mr. Chaudhuri said—and many of us agree with him—we must proceed carefully with regard to this measure, especially when statistics are not available. I personally think that the minimum ages for marriage which have been prescribed at present fifteen for the girl and twenty for the boy—are not high enough. Of course in our illiterate and superstitious country they are proper and suitable ages now as a first step. But very soon our country will come up in line with other countries, and then the ages of sixteen for girls and twenty five for boys shall be prescribed as the minimum which is the intention of our *shastras* also. But I fully agree that we cannot suddenly jump to legislate for these minimum ages for marrige.

This is an important measures and the Bill is a very useful one. I hope that my honourable friend Pandit Bhargava will achieve success which he deserves for his efforts and I hope the Honourable the Law Minister will take pains to see that the Bill is made into a fine piece of legislation which will give birth to a really virile and strong nation.

Lastly I would like to say that I was surprised to hear from Shrimati Renuka Ray that this Bill does not bring in social justice. I do not know whether she considers only Bills and measures relating to property as bringing in social justice, like the Hindu Code.

Shrimati Renuka Ray: The Hindu code does not deal only with property though of course I realise that it is the question of £. s. d. which the vested interests dislike most.

Prof. Shibban Lal Saksena: In regard to social justice it is the biggest crime to force a girl to marry when she is below the proper medical age. When this Bill is making such marriages a penal offence it is surely bringing in social justice. I think she also would agree that this is a measure of real social justice

[Prof. Shibban Lal Saksena]

I do not grudge her the share in the property also which she wants and which should be given to her in justice, but I only say that Mrs. Ray's criticism of this Bill is not proper.

Sir, I hope this Bill will soon be passed and properly enforced. I have seen how the Sarda Act has worked in our villages. I can say it had been worthless; if it has been used, it has been used only as a menace—somebody wants to take vengeance upon somebody else and tries to harass him by the Sarda Act; but it has not resulted in any justice. But this Bill, if properly enforced, will be able to stop child marriages and bring to birth a really virile nation.

Sir, I support the motion.

Syed Muhammad Sa'adulla (Assam: Muslim): Mr. Speaker, Sir, I do not know whether I should congratulate the honourable member Pandit Thakurdas Bhargava who has laboriously introduced these Bills for the betterment of the future generation of an independent India, but I must congratulate his tenacity of purpose and his effort at improving the social status amongst the rural masses by inculcating in them this idea of a model, healthy future generation.

He has been kind enough to refer to my name twice during this debate and he first branded me as one of the world's ignoramuses for not knowing the conditions in the neighbouring Provinces, although giving me the credit that I am open to conviction. Sir, I plead guilty to this charge for I am at a disadvantage. I have all along passed my time in the Province of Assam and I am conversant only with the social conditions that prevail therein. I had not had the advantage like him of going in a roving commission for ten months throughout India examining witnesses and learning the state of affairs in those places.

When the Age of Consent Committee went to Shillong I was one of the Ministers, and I appeared before them. So far as Assam was concerned, I knew everything at my fingers' end and I could tell them that this piece of legislation was unwanted by the Assam society, either Hindu, Muslim or Tribal. I think most Honourable Members here are not acquainted with an analysis of the population figures of Assam. At present as she is constituted, roughly we are 72 lakhs of people of which my own community, the Muslims, form one-fourth, or 18 lakhs. I can state without any fear of contradiction that child marriages are unknown in the Muslim society of Assam. According to the figures which the present Ministry has submitted to the Drafting Committee, the Tribal people of Assam number 26 lakhs. We have got a representative from that Tribal community in the person of our friend Mr. Dharanidhar Basu Matari. I know from my personal experience of Assam and fortified by the assurance of my friend that in his community there is no child marriage. So, out of 72 lakhs in 26 lakhs of his community and 18 of my community, that is 44 lakhs, there is no sign of this problem at all. All Amongst the Hindu community, barring Brahmine child marriage is not in vogue in Assam.

Assam is an entirely agricultural country—at least 95 per cent. of our population are agriculturists. To an agriculturist, a wife literally means one hand more in the pursuit of his cultivation. Therefore, the question of a child marriage, introduction of a girl-wife in the family, instead of being a help in agricultural operations will be a liability and as such no agriculturist in Assam will think of resorting to child marriage. From that angle also it is unknown in our country that even the Hindus, except the Brahmans, feel the necessity for any such legislation. And the Brahmans at the highest computation form only one per cent of the total population of Assam. Even as regards the Brahmans, I can say from my personal and intimate knowledge that this curse of child marriage is getting scarcer every day and in the towns and amongst the educated in the Brahman community this system does not prevail now; it is limited to very orthodox and rural Brahman society up till now. But the greatest offenders

about child-marriage was the Marwari community. I was looking to my friend Srijut Himatsingkha. He was for some time a member of the Assam Legislative Assembly and he knows about the conditions of his own community; but here too I am very glad to say that there has been a marked improvement during the last thirty years. Even amongst that community there is hardly a marriage of a girl below 14 years of age. So, from every point of view this probelm is almost negligible in Assam.

While my friend went to Assam somewhere about 1929, two of his colleagues, the late Mr. Shah Nawaz, a Member of the Central Assemply, and my friend Sir Mian Mahboob Baksh Qadri of Ahmedabad, who was a Sessions Judge in Bombay and later on the Dewan of Junagadh State, accompanied him to Shillong. These two gentlemen were my guests and whatever I learnt from Pandit Bhargava in the open session of their inquiry, these two friends of mine, and my guests, told me about conditions that they had found in other parts of the country in the home atmosphere. Therefore, in the open session as well, I admitted to Pandit Bhargava that, "although this measure is unwanted in Assam, if the other parts of India require it, I wish you God speed and go ahead."

We in Assam even now have the same opinion. The Honourable Mover Pandit Bhargava has complained that the opinion from Assam is colourless, that they did not either commend his efforts nor condemn them. Well, the thing is that the Assam politician, not finding the necessity for such a legislation, has not given much thought to his Bill. Unfortunately for him, although the public in general according to him is rather callous, the most devastating criticism has come from a friend and a countryman of mine, Mr. Rohini Chaudhuri; but in a sense I agree with him because Mr. Rohini Chaudhuri commended the principle of the proposed legislation. Nobody need quarrel with it; everybody has nothing but praise for the lofty ideals of Pandit Bhargava. It is only the method of approach, of how to remove this curse, wherein there is difference of opinion. I think that our society being what it is, our villages being riddled by party factions, and our police being what it is now —I need not give my own description of it, but even the author of these Bills had something to say about it—I think the Select Committee will do well in considering whether this offence should be made cognizable.

3 P. M. I find in the Statement of Objects and Reasons of the Bill further to amend the Child Marriage Restraint Act of 1929 the learned author was constrained to admit: "The provisions making the offences and cases cognizable are of drastic nature in so far as the police is even at present neither efficient nor free from corruption." So, when we have got this admission from Pandit Bhargava himself, it will be up to the Select Committee to see that this drastic nature of the provision is doneaway with.

Apart from the expediency point of view, I would like to place before the House the utility side also about the province of Assam. As I said, I do not know the condition in other parts of India, but there is in Assam only one Police Station for two lakhs of population on an average or an area of 600 square miles. Now, even if this offence is made cognisable, is it possible that all the offences under this, marital law will be brought before the Police or the Police would learn of them? I have been rather liberal in the estimate of the location of Police stations, but you have to remember that that is with regard to the plains only and half of Assam is hills. In the Naga Hills with an area of 4000 sq. miles we have got two police stations only and in the Khasi Hills wherein is situated Shillong, the capital of the province, with an area of over 3000 sq. miles and about 2 lakhs population, there are only 4 police stations. This is the condition in the hills. So I say that even on the plains there is very little hope of the police utillsing this power, unless it were prompted by evil spirits of party faction in the village to take cognisance of such offences.

[Syed Muhammad Sa'adulla]

One word and I will finish. The provision that no person over the age of 45 should be allowed to marry a girl below 18 is a product of the over-jealousness of social reform in the Pandit. In the first place, as has been pointed out just now, these two age limits will flood the country with manufacture of lies. I know that inspite of the fact that the great Hindu community has the institution of drawing up a horoscope for each child, it has been found by me personally as an administrator of twenty years experience that the horoscope can be changed according to the sweet will of the persons concerned. Whenever there is a question of over-age for Government service.....

Shri M. Ananthasayanam Ayyangar: What about the birth register?

Syed Muhammad Sa'adulla: The candidates who are normally over-age for purposes of Government service were every time able to produce a new horoscope pointing out some mistake in the previous horoscope. Mr. Ananthasayanam Ayyangar has referred to the birth and death register. I agree with him that if possible we must have such a register and we must adhere to it rigidly, but we must remember what has been said by the Honourable Member Mrs. Renuka Ray that from her personal knowledge she has found that women of 45 give their age as 25 and a girl of 9 is produced as a child of 16. So long as we cannot educate our people, so long as we do not change the mentality of our society, even this birth register, however rigidly it is followed, will not help us. In this matter, I would request the social reformers to follow the model of *Festina lente* or "hasten slowly". You cannot bring about a change in a society which is steeped in the darkness of superstition and illiteracy; you cannot bring about a change in the mental outlook by a piece of legislation like this. Give them time to educate themselves. Give them time to accommodate themselves to the changed circumstances and don't make this legislation so very drastic as is proposed by our over-zealous friend, Pandit Bhargava. I request him as well as Honourable Members of the Select Committee to tone down the drastic measures in such a way that the law will be applicable to all and acceptable to all. One little complaint. As usual, even in the Select Committee Assam has not found a place. I hope the House will see that the drastic critic, my friend Sjt. Rohini Choudhury is brought on to the Select Committee.

Shri Gopikrishna Vijayavargiya (Gwalior State): Sir, the previous speaker has cautioned us against hastening. I rather think that we should hasten even more. In the Hindu society in particular and in some of the other societies also child marriage is very much prevalent and I am glad that this measure has been brought now that we are coming out of the age of the old saying "*Ashta varsha bhaveth kanya*" and other things. These things must be uprooted now and I would rather like that the age should be increased by one or two years more so that the nation which will be born now will be more healthy and better citizens. The three Bills which are being sent to the Select Committee will, I hope, come as one Bill. I also hope that they will be very well drafted then. About provision for making the offence cognisable, there are other things also. The offence will be compoundable and also bailable. Therefore, there is no harm in making it cognisable. There need be no controversy about this. The reform is long overdue and we must really hasten to legislate on it.

Shri Krishna Chandra Sharma (U.P.: General): Mr Speaker, Sir, there is no gainsaying the fact that this piece of legislation has been long overdue. There has been criticism with regard to certain provisions, namely, making the offences under the act cognizable, raising the punishment and asking the husband to execute the bonds. It is an accepted principle in evaluating the evolutionary growth of a community the main factor is the development of individuality of its citizen and with the development of the individuality of a citizen the independence of selecting things important to his individual life is a matter of far more importance. Taking that view of life, it is rather a pity

that we should be sitting here discussing the matter that the age of a girl should be raised to 15 years or the age of a boy should be raised to 20 years. No man and no woman who is not mature enough to form a judgement to select the partner can be said exercise the free choice of selections so very necessary for constituting a civilized society. Anyhow we have been placed under circumstances in which it was not open to us to grow freely along with the other communities in the world. An Act was passed long ago in which this social measure was taken up, the social conscience was awakened and much improvement made. Now having attained to the state we have come, it is quite proper to raise the age of the girl and the boy and to make the punishment harsher and to make the offence cognizable and provide for improvement.

Regarding the criticism against making the offences cognizable, it need be said that at this stage the marriage of children is a social crime. It is much more serious a crime than stealing away things worth a few rupees and if theft is a cognizable offence and a man can be harassed and arrested and caught by the police for theft of articles worth Rs. 5 or Rs. 10, there is no reason why a man should not be harassed, arrested and caught by the Police when he does commit after such a long interval of period in which this Act has been in existence to commit a social crime and a very serious crime for the matter of that.

It is rather fashionable to say that the Police are acting as if they were blood hounds. The Police officers come from amongst us and in serious cases of dacoity, murder and other such crimes, honourable members know co-operation from all sheds of society is essential for getting the offenders convicted. Under the present circumstances, no man could do better than the present Police Officer is doing. We must know that our officers have to do duties which are very necessary for the existence and improvement of society under circumstances which are not prevalent in other countries. They lack co-operation; we seldom give co-operation, even our political struggle has been on the basis of non-co-operation. So under the circumstances, the Police officers have to do the unpleasant job and they have not very much improved along with the other police in the world, but to stigmatize them as blood hounds is not doing justice to our own men and I have no doubt that in a measure like this, they would behave as we would expect them to behave and not unnecessarily harass the people.

I however, find one difficulty and that is that no doctor in the world can say whether a girl's age is 14 years or 15 years. It is difficult to ascertain and distinguish the age of a girl, whether she is 13, 14 or 15. But in cases like this, it is not the particular cases that are very important, but I think the aim and object of this piece of legislation is to awaken the social conscience still more and to bring home to the common citizen that it is a social crime to allow or to encourage child marriage and it is in this way that the Act will have its own effect and go a great deal in helping the society to progress and bring in conditions in which the common citizen will find himself in a state in which he can enjoy enough choice and have growth of individuality as a person. With these remarks, Sir, I support the Bill.

श्री गोकुल भाई दोलतराम भट्ट : माननीय सभापति जी, हमारे सामने जो बिल पेश किया गया है उसका मैं स्वागत करता हूं और चन्द शब्द उसके बारे में कहना चाहता हूं। कई २ बातें ऐसी हैं जिसके मुताल्लिक बाद में कुछ हो सकता है। जैसे की उम्र का सवाल है। वह उम्र का सवाल ऐसा है कि हमें सही तौर से यह पता नहीं चलता है कि १४ साल, १५ साल और १६ साल कौन सी उम्र सही गिनी जानी चाहिये। बाहर वालों के लिये शायद १७, १८ और २० साल की उम्र, वह भी कच्ची उम्र कही जायगी, वह मानी जाती है। और जब कि गांव में रहने वाली लड़की के लिए १४ साल या १५ साल की उम्र वह पुख्ता उम्र मानी जाय। जब हम

[श्री गोकुल भाई दौलत राम भट्ट]

उम्र का सवाल लाते हैं तो हमें सोचना चाहिये कि हमारी तन्दुरस्ती किस तरीके से कम होती जाती है- बिगड़ती जाती है क्योंकि हमारे आसपास जो वातावरण है वह बिगड़ा हुआ होता है। जहां निर्दोष वातावरण होता है वहां उम्र के साथ तन्दुरस्ती और पुख्ताई भी आने लगती है और वह कहना मुश्किल हो जाता है कि जो कन्या है वह गौरी कब बनती है। इसके मानें वह पुख्ता कब बनती है। इसी तरह से पुरुषों का भी है। शहर में रहने वाले पुरुष और स्त्री का विकार जल्दी बढ़ जाता है। क्योंकि वहां नाटक, सिनेमा और कई प्रकार की ऐसी दूसरी चीजें उनके आसपास होती हैं। इन चीजों से और दूसरी कई आसपास की बातों के असर से एक प्रकार से मन के विकार मेंबु वृद्धि पैदा होती है।

तो मेरे कहने का मतलब यह है कि सिलैक्ट कमेटी के सामने यह सब चीज़ जब जायेगी तो हम सोचेंगे कि उम्र की पाबन्दी रखने से ही क्या हम सुरक्षा कर सकते है। कन्या और लड़कों से हमें कुछ ऐसे दोष निकालने होंगे जिससे हम सचमुच इस बिल की जो मन्शा है उसको कामयाब कर सकें।

एक जगह यह कहा गया है कि ४५ साल की उम्र का जो आदमी शादी करेगा वह ज़िम्मेदार होगा। सज़ा उसको लम्बी, लम्बी कहना भी कैसे चाहिये, सिर्फ तीन महीने की सज़ा है और एक हज़ार रुपया जुर्माना हो जायेगा। मैं मानता हूं कि जिन्हे शादी करता है वे तीन महीने की जेल की सजा काट लेंगे, शादी जरूर कर लेंगे। वे शादी के लिए जुर्माना भी दे देंगे और सज़ा भी काट लेंगे और इस लिए उसको अफ़सोस नहीं होगा।

श्रीमती रेनुकारे ने कह दिया कि समाज का उद्धार तभी होगा जब हिन्दू कोड लाया जायेगा और जब वह कानून बन जायेगा। मैं समझता था कि हमारे भार्गव साहब ठहर जाते तो सब सुधार आराम से हो जाते। लेकिन उनको अधीरता है क्योंकि उन्होंने इस चीज़ के लिए कई साल से मेहनत की है और राय लेने की कोशिश की है और उनको माफिक राय मिल भी गई है। वह खैर दूसरी बात है। मैं हिन्दू कोड बिल पर बोलना नहीं चाहता लेकिन मैं समझता था कि पंडित भार्गव यह बात मान लेते तो हिन्दू कोड में यह चीज़ आ सकती थी क्या? सही बात मैं यह समझता हूं कि हिन्दु समाज को कहां ले जाना है। इस विषय में हम सिर्फ कानून के सिवाय और दूसरी बात नहीं कर रहे हैं। हमें समाज को इस रीति से समझाना है, उसको लोक शिक्षा देनी है, वह चीज़ हम नहीं कर रहे हैं। इसके बजाय हम सिर्फ एक कानून बना कर संतोष मानते हैं। कानून बना दिया और हमारे समाज का सुधार हो गया, यह हमारा आजकल का दृष्टिकोण है। अगर इसी तरह का हमारा दृष्टिकोण है तो उसको निकाल देना चाहिये। मैं यह नहीं कहता कि यह समाज के लिए और समाज सुधार के लिए अच्छा नहीं होगा। यह मेरा कहना कभी नहीं है। लेकिन इसको हम यह समझ लें कि समाज सुधार के लिए सिर्फ यही एक चीज़ है और दूसरी चीज़ कोई नहीं है। इस दृष्टि से मैं यह कह रहा हूं कि समाज सुधार करने के लिए सिर्फ कानून पास करने की ही जरूरत नहीं होती है बल्कि अगर अच्छी तरह से सुधार करना है तो लोक शिक्षा देकर और लोगों में माफिक हवा फैलाने से जो चीज़ जरूरी है उस चीज़ को फैलाने से होगी। इतना कह कर मैं आशा करता हूं कि इस बिल से हम इस तरह की हवा फैलायेंगे कि जिससे लड़के और लड़कियां शक्तिशाली बनें और आरोग्यवान बनें और वह खुद अपने आप समझ लें कि वे शादी करने के लायक की उम्र में है या नहीं।

इतना कहकर मैं इस बिल का आंशिक स्वागत करता हूं।

(English translation of the above speech)

Shri Gokulbhai Daulatram Bhatt (Eastern Rajputana States Group): Mr. Speaker, I welcome this Bill which has been brought before the House and would like to say a few words in connection therewith. There are many such things which can be decided at a later stage such as the question of age etc. The question of age is such that we cannot properly judge as to whether 14, 15 or 16 years should be treated as proper age. It is generally admitted that the age of 17, 18 and 20 is not the age of maturity for girls living in the cities, whereas 14 and 15 years is considered as the age of maturity for the girls living in villages. When we consider the question of age, we should take into consideration the factors responsible for the deterioration in our health—because our environments are unhealthy. In places where there are congenial environments, health and maturity synchronize with age, and it thus becomes difficult to say when a girl attains the age of puberty; in other words one does not know when she becomes mature. Similar is the case with men. Minds of men and women living in the cities get perverted at a very early stage, due to the existence of theatres, cinemas and other such things. Such things, coupled with the effect of other elements in the environment tend to cause further deterioration of the mind. What I mean to say is that when this matter is referred to the Select Committee, we will take into consideration whether by fixing the age-limit, we can improve the matters. With a view to make this Bill a successful measure, we will have to eradicate the evil effects from the minds of our boys and girls.

It has been stated at one place that a person who marries at the age of 45 will be liable to be punished. He will be awarded long-imprisonment—not exactly long—when he will be sentenced only to three months imprisonment and a fine amounting to Rs. 1,000/-. I feel that those who are bent upon marrying will be prepared to undergo three months imprisonment—but marry they must—for the sake of marriage they will be prepared to pay fine and undergo the term of imprisonment also—and for this they will not feel sorry.

Shrimati Renuka Ray has stated that the condition of the society can be improved only when Hindu Code is enacted. I felt that if my honourable friend Mr. Bhargava had waited, all the reforms would have been carried out in the normal course. But he is impatient, because he has worked hard over this measure for years together, endeavoured to elicit opinion and has succeeded in securing favourable opinions. That of course is another point. I do not want to speak on the Hindu Code, but I thought that if Pandit Bharagava had accepted this view, could provision in this respect be made in the Hindu Code? What I want to know exactly is where we are to lead the Hindu society? In this respect we are not taking any other steps except enacting the legislation. We have to impress upon the society in this respect—we have to educate the minds of the people in the worldly affairs—and this thing we are not doing. On the contrary we feel ourselves contented with the framing of a law. To-day our angle of vision is that once legislation is framed, it will renovate our society. If this is our viewpoint, then we should drop this. I do not say that this will not prove beneficial to the society and its reformation. I never say so. But I observed this thing with the view that we should not treat this as the solitary measure for the reformation of the society, and legislation is not the only thing for bringing about a reformation in the society, but if it is desired to bring about a radical change, then it can be achieved only by educating the minds of the people and the creation of healthy environments.

I, therefore, hope that with the help of this Bill we will be able to create such an atmosphere which will make the boys and girls virile and healthy, and they will themselves be able to develop the sense of understanding whether or not their age is ripe for marriage.

With these words, I support this Bill though to a certain extent.

پنڈت ٹھاکر داس بھارگو : جناب سبھاپتی صاحب! ان بلوں پر جو بحث ہوئی ہے وہ ایک طرح سے نہایت دلچسپ ہوئی ہے - اور جس چیز کے لئے میں ہاؤس کا شکر گزار ہوں وہ یہ ہے کہ جتنے بھی ممبر صاحبان اس پر بولے ہیں ان میں سے ایک نے بھی اس کی مخالفت نہیں کی ہے - یہ ضروری ہے کہ جو طریقے عملی تجویز کئے گئے ہیں اُن میں تھوڑی سی مخالفت ہے اور وہ ہوئی بھی چاہئے لیکن جہاں تک اس اصول کا سوال ہے کہ child marriage کو بند کر دیا جائے سارے ممبران ہاؤس اس سے متفق ہوں - اور میں اس کے لئے ہاؤس کو بدھائی دیتا ہوں - رہا یہ امر کہ کیا طریقہ روک تھام بنایا جائے تو اس میں لوگوں کی رائے کا اختلاف ہونا واجبی تھا - کئی ایک اصحاب نے جو اعتراض کیا ہے وہ اس امر کے متعلق ہے کہ وہ مقدمات جن کے متعلق یہ بل پیش کیا گیا ہے اور جن کا کہ اِس بل میں ذکر ہے وہ cognizable قرار دیئے جائیں یا نہیں - اس بارے میں مختلف رائے رہی ہے - میں اس بارے میں ہاؤس سے مودبانہ یہ عرض کرنا چاہتا ہوں کہ میں نے خود پہلے بل میں جو سنہ ۱۹۴۶ میں introduce کیا تھا جرم کو cognizable نہ بنایا تھا اور اس بارے میں جو age of consent committee نے رپورٹ کی تھی اُسمیں بھی یہی اور اس کمیٹی کی بھی یہ رائے تھی کہ اسکو cognizable offence نہ بنایا جائے - اُس زمانے میں وہ ٹھیک تھا - لیکن اب اس رپورٹ کو شایع ہوئے تقریباً اٹھارہ سال ہوئے ہیں اور اس عرصہ میں اس بل کی کافی اشاعت ہو چکی ہے - اور اِس کے علاوہ یہ بھی معلوم ہو چکا ہے کہ سارداایکٹ نے اس بدعت کا انسداد نہیں کیا ہے - کیونکہ اس ایکٹ میں جرم non-cognizable تھا - شاید میں یہ دعویٰ کر سکتا ہوں کہ مجھکو پولیس کی کارکردگیوں کا زیادہ علم ہے- جن صاحبان نے پولیس کی کارکردگی کے متعلق اعتراض کیا ہے اُن کی آنکھی کے لئے عرض کرونگا کہ میں کارکردگیوں کو چالیس سال سے بطور وکیل کے دیکھتا رہا ہوں لیکن کافی عرصہ سے یہ خواب رواج ہمارے ملک کے اندر ہے - یہ ایک قسم کی بیماری ہے جس کا کہ ہمیں علاج کرنا ہے - اگر یہ بیماری اتنی سخت ہے کہ بغیر اپریشن کئے یہ جڑ سے اُکھڑ نہیں سکتی تو میری رائے میں ایسی صورت میں اسی بیماری کا ٹھیک ٹھیک علاج ہونا لازمی ہے - اور آپریشن کرنا ضروری ہے - اس میں شک نہیں کہ آپریشن سے ذرا ذرا سی تکلیف ضرور ہوگی - لیکن بغیر آپریشن کے بھی اس بیماری کا علاج اگر نہیں ہو سکتا تو آپریشن کرنا لازمی ہے - میں نے پہلے بل کے statement of objects and reasons کے بارے میں یہ لکھا تھا -

"The atrocious act in its essence constitutes a very heinous offence which but for unwanted interference in domestic matters and want of confidence in the police administration in the country should have been made a cognizable offence."

جیسا کہ ابھی ابھی میرے دوست مسٹر کرشن چندر نے فرمایا ہے کہ اگر کوئی پانچ روپے کی بھی چوری کرے تو وہ ایک cognizable offence ہے - لیکن اگر کسی سے اس قسم کا کوئی جرم ہو جائے جو لڑکی کی تمام زندگی آئندہ پر اثر رکھیگا - تو کیوں ایسے جرم کو non - cognizable قرار دیا جاوے -

دوسرے بل میں جسمیں میں نے ایسے جرائم کو cognizable قرار دینے کی تجویز کی ہے اسکے statement of objects and reasons میں حسب ذیل لکھا ہے -

"The provisions making the offences and cases cognizable are of drastic nature in so far as the police is even at present neither efficient nor free from corruption. But this aspect of the matter is applicable to all cognizable offences and cases.

"It must be realised that after 18 years during which the Sarda Act has been in operation its provisions are more widely known than before.

"Moreover the malady is too persistent and virulent to be remedied by mild measures. The evil is too great to be tolerated even if its prevention causes uneasiness and annoyance to the public. The Sarda Act has almost been a dead letter in the rural areas and backward communities and marriages of children in arms and in early teens are very frequent resulting in the physical, ecoltomic and moral ruin of the nation. Any further dalliance with the evil of pre-puberty consummation and early consummation which are eating into the very vitals of the society is simply criminal specially when we have got National Government and no measures however stringent can be deemed to be too drastic to prevent this evil which is so enormous in magnitude."

میں ہاؤس کی خدمت میں نہایت ادب سے عرض کرنا چاہتا ہوں کہ میری ناقص رائے میں دو ہی ایسے طریقے ہیں جن سے کہ ہم اس بیماری کو دور کر سکتے ہیں - ایک یہ کہ اس کو cognizable offence بنا دیا جائے - چاہے ایسا کرنے سے لوگوں کو تکلیف ہی کیوں نہ ہو - اور دوسرے یہ کہ ہر ایک کیس میں جو کورٹ میں لایا جاوے بصورت سزا قید لازمی قرار دیجاوے اگر پہلی بات پر عمل کیا جاوے تو مجھ کو امید ہے کہ ہم اس بیماری کا پوری طرح سے مقابلہ کر سکینگے - لازمی قید سزا میں شامل کرنے سے country میں تکلیف تو ضرور ہوگی - میں یہ نہیں چاہتا ہوں کہ ایسا ہو - کوئی بھی شخص یہ نہیں چاہتا ہے کہ خوشی اور شادی کے وقت لوگوں کو تکلیفوں کا سامنا کرنا پڑے شادی کا وقت خوشی کا ہوتا ہے - اور میں نہیں چاہتا کہ کسی گھر میں اگر شادی ہو تو اُس گھر کے نوشہ یا نوشہ کی ماں یا نوشہ کے باپ کو پکڑا جائے - میں یہ چاہتا ہوں کہ کسی بھی طریقہ سے ایسے واقعات ہی ظہور پذیر نہ ہوں - اس کے علاوہ میں ایک چھوٹی سی بات عرض کرنا چاہتا ہوں اور وہ یہ کہ جہانتک Marriage Law کا تعلق ہے - اور شوشل crime کا تعلق ہے اس کے لئے Indian Penal Code میں دفعہ ۴۷۵ اب بھی موجود ہے -

اور اگر ان جرائم کے متعلق جو موجودہ قانون کی زد میں آتے ہوں پولیس مجرمان کا چالان کرے تو دیہی میں بڑی اشانتی ہو جاویگی - اس کے مقابلہ میں اگر قوانین شادی کی خلاف ورزی کرنے کے متعلق پولیس چالان کریگی اور لوگوں کو قید بھی ہوگی تو اس سے اشانتی اور تکلیف نہ پھیلیگی -

[پلدت ٹھاکر داس بھارگو]

آجکل یہ ہو سکتا ہے کہ اگر آپ کسی بچے کی شادی کریں اور بعد شادی بڑا خاوند یا بچہ خاوند و بچہ بیوی اکٹھے رہے ہوں اور جرم زیر دفعہ ۳۷۵ موجودہ قانون سرزد ہوتا ہو جو عام طور پر ہوتا ہے تو اس میں پولیس Interfere کرسکتی ہے - Indian Penal Code کے دفعہ ۳۷۵ کے مطابق ایسے جرائم کی سزا ایک یا دو سال ہی نہیں بلکہ دس سال تک ہو سکتی ہے - میری عرض یہ ہے کہ ایسے حالات پیدا نہ ہونے دیلے کے لئے کہ جسمیں ایسے سخت جرائم ہو سکیں یہ ضروری ہےاور بہتر ہے کہ جو جرائم جلدی شادی کرنے کے متعلق ہیں ان میں سزا کرائی جاوے - اس بل کی رو سے اگر کوئی ایسا جرم کرے بھی تو اسکی سزا زیادہ سے زیادہ تین مہینے کی رکھی گئی ہے - میرا خیال ہے کہ ہر ایک شخص میرے اس خیال سے متفق ہوگا کہ اگر اس بل کے متعلق شادی پر پورا عمل کر دیا جائے تو وہ جرائم زیر تعزیرات ہند کے انسداد کا صحیح راستہ ہے ہمیں ایسے قانون بنانے چاہئیں کہجن سے ایسی marriages کا Prevention ہو جائے-میرے دوست پروفیسر شبن لال صاحب نے کہاہے Preve ition is better than cure میری رائے میں یہ چیز بالکل درست ہے اور یہ اصول دراصل اس کانون کا علج ہے کہ ہم کو کوشش یہ کرنی چاہیئے کہ marriage laws کو stingent بنایا جائے - تاکہ ایک شادی بھی ایسی نہ ہونے پاوے جو قانون کے خلاف ہو - یہ بدرجہا بہتر ہے بمقابلہ اس کے کہ Penal Code کے اندر کارروائی کی جائے اور سارا خاندان کا خاندان تباہ ہو جائے - وہ خاندان بھی تباہ ہو جائے گا جسکے اندر لڑکا ملزم ہوگا اور پھر وہ اپنی بیوی سے کسی قسم کا تعلق نہیں رکھیگا - اس لئے اگر اس بدعت سے بچنا ہے تو موجودہ قانون کو اس طرح سے بنانا چاہیئے - اور ہر شخص منظور کر لے گا کہ اس کا صحیح طریقہ یہی ہے کہ یہ قانون ایسا بنایا جائے جس کے اندر اس طرح کی شادیاں بند ہو جاویں -

جہانتک اس کو Cognizable بنانے کا تعلق ہے میں بھی پولیس کی حالت کو دیکھتے ہوئے پولیس کے interference کو domestic معاملات میں پسند نہیں کرتا -

دوسری بات جس کی طرف میں توجہ دلانا چاہتا ہوں وہ چودھری صاحب کی یہ تجویز ہے کہ اس جرم کو Cognizable کے بجائے non - bailable بنا دیا جائے - میں نہیں سمجھتا کہ non-bailable بنا دینے سے کس طرح اس جرم کا انسداد ہو سکیگا - میری ناقص رائے میں non-bailable ہونے سے کسی طرح کا فرق نہیں پڑیگا میں نہیں چاہتا کہ کسی شخص سے bail نہ لیا جائے - بیل (bail) کا منشا تو صرف یہ ہے کہ وہ شخص عدالت کے سامنے موجود رہے - بیل (bail) کو میں punitive نہیں بنانا چاہتا non-bailable بنا کر اس جرم کو punitive نہیں

بنانا چاہیئے - اس واسطے میں اس تجویز کو پسند نہیں کرتا ہوں کہ سلیکٹ کمیٹی select committee کو اختیار ہوگا کہ وہ اس معاملے کو دیکھے -

ڈاکٹر امبیدکار صاحب نے فرمایا ہے کہ وہ کسی چیز سے committed نہیں ہونا چاہتے - لیکن میں عرض کرنا چاہتا تھا - کہ house ایک چیز سے committed ہے وہ یہ ہے کہ چھوٹی عمر کی شادی نہ ہونی چاہیئے - اور دوسرے جہانتک عمر کا تعلق ہے لڑکی کی شادی کے واسطے ۱۵ برس کی عمر اور بیس برس لڑکے کی شادی کے لئے ہاؤس committed ہے اور یہ اصل ان باتوں کے ہیں باقی طریقہ کے متعلق میری رائے ناقص میں ہاؤس committed نہیں ہے وہ طریقے age of consent committee نے اپنی رپورٹ میں لکھے ہیں وہ عزت سے دیکھے جانے کے قابل نہیں - کیونکہ وہ رپورٹ unanimous تھی اور اُس کے بارے میں مجھے یہ بھی کہنا ہے کہ اُس کمیٹی میں ۱۰ آدمی مقرر کئے گئے تھے اور تقریباً تین لاکھ روپیہ خرچ کیا گیا تھا اور ۱۰ مہینہ تک ایسے سوال پر کمیٹی نے غور کیا تھا - بعد اسکے انہوں نے طریقوں کی عملی شمارش کی - لیکن اُس کمیٹی کو اب ۱۸ برس ہو گئے ہیں اور اگر ہم اُس سے بہتر تجویز نکال سکتے ہیں تو ہمیں ضرور نکالنے چاہیں اگر گورنمنٹ کوئی نیا بل لانا چاہے تو اس میں بھی مجھے کوئی انکار نہیں ہوگا میرا تو صرف یہ ہے کہ گورنمنٹ نے ایک سال ضائع کر دیا - پچھلے سال مجھے یہ کہا گیا تھا کہ اگلے session میں وہ بل آجائیگا - میری ناقص رائے میں کوئی دیگر معاملہ اس ضروری معاملہ سے زیادہ اہمیت نہیں رکھتا جلد اس بل کو پاس کرکے marriageable age کو بڑھانا چاہیئے - ساتھ ہی age of consent Bill بھی نہایت ضروری ہے - لیکن جو اس کی اہمیت ہے وہ realise نہیں کی جاتی ہے - اس کے لئے ہمیں ایک منٹ بھی دیر نہیں کرنی چاہیئے — National Govt. کا فرض ہے کہ جلد از جلد اس بل کو پاس کرادے اور عمل میں لاوے اسکے علاوہ ایک تجویز یہ پیش کی گئی کہ شادی کو رد (annul) کر دیا جائے - age of consent committee نے بھی اپنی رپورٹ میں اسکا ذکر کیا ہے میں نہیں کہہ سکتا کہ اس پر کہاں تک عمل کیا جا سکتا ہے - میں اس پر بالکل open mind رکھتا ہوں - لیکن میں سمجھتا ہوں کہ اس جرم کو cognizable کرنا زیادہ اچھا ہوگا بہ نسبت marriage کو annul کرنے کے کیونکہ annul کرنے کو لوگ زیادہ پسند نہ کرینگے - لیکن تاہم یہ تجویز ایسی ہے جسکو اس کے merits پر دیکھا جاسکتا ہے - میں نے نہایت توجہ کے ساتھ سرسعد اللہ صاحب کی تقریر سنی اور میں ادب کے ساتھ اُنکی توجہ age of consent committee کی رپورٹ کے صفحہ ۱۱ کی طرف دلاتا

[پنڈت ٹھاکرداس بھارگو]

چاہتا ہوں جہاں ان کی گواہی کا بھی ذکر ہے اور جہاں یہ ذکر ہے کہ آسام کے اندر کیا حالت ہے - مجھے افسوس کے ساتھ کہنا پڑتا ہے کہ ہمارے لیڈر جو ہر ایک چیز میں well informed ہیں وہ اس چیز کے اندر بے خبر اور گمراہ رہتے ہیں سر سعد اللہ صاحب فرماتے ہیں کہ آسام میں مسلمانوں میں child marriage نہیں ہے - میں چاہتا ہوں کی توجہ کے لئے پیش کرنا چاہتا ہوں - جس سے ثابت ہوگا کہ ہمارے fully informed لیڈر بھی کتنی خرابی اور کتنے وسعت اوائل عمر کے شادی ہیں اس کو realize نہیں کرتے ہیں صفحہ ۱۱ پر درج ہے

کہ ہم پانچ سال کی عمر سے کم کی شادی آسام میں نہیں ہوتی ہیں لیکن جہاں پانچ سے دس اور دس سے پندرہ کا تعلق ہے وہاں سٹیٹس ٹیکٹری satisfactory حالت نہیں ہے -

"The percentage of married girls between 10 and 15 in 1921 was 25·9. The number of married girls between 10 and 15 among Hindus in 1921 was 54,449, being 27 per cent. of the total number and among Muslims 38,828 being 34 per cent. of the total. But conditions vary so much in different parts of the Province that an inaccurate idea will be conveyed by those averages."

اسی طرح سے آگے چلکر درج ہے

"It is interesting to note that Muslims in this valley are very much addicted to the practice of early marriage, their numbers approximating those of Hindus in Goalpara; 42 girls between 5 and 10 and 473 between 10 and 15 are married. The total number of Muslims in this valley is about 6 lakhs."

میں ادب سے عرض کرنا چاہتا ہوں کہ دراصل اس بل کو پیش کرکے بھی میں اس چیز کو نہیں بھول سکتا ہوں کہ اس بل کے بارے میں جو رورل ایریاز (Rural Areas) کی حالت ہے اس کا پورا احساس بہت کم اشخاص کو ہے اس لئے یہ ضروری ہو گیا ہے کہ ہم اس بل کو جلدی پاس کریں

اسکے علاوہ چلد اور بھی کرٹیسزم (criticism) کیا گیا ہے جسکے بارے میں میں چلد باتیں عرض کرنا چاہتا ہوں مسز رے نے فرمایا ہے کہ دقت یہ ہے کہ اس بل کے اندر ایج (age) کا معلوم کرنا بڑا مشکل ہے میں جانتا ہوں کہ ایج (age) کا سوال صرف اسی بل کے بارے میں نہیں آتا ہے - انڈین پینل کوڈ (Indian Penal Code) میں ایبڈکشن (abduction) کے متعلق کڈنیپنگ (Kidnapping) کے متعلق اور بھی کئی دفعات ہیں اور ایسی دفعات ہیں جن کے اندر ایج (age) کا سوال آتا ہے - اور پوسول لا (civil law) کے اندر بھی میجارٹی (majority) کا سوال آتا ہے - تو یہ تو دو دن کئی جگہ پیش آتی ہیں اور شادی کے متعلق قوانین میں بھی آویلگے - Age of consent committee report میں رکمنڈیشن

(recommendation) دی ہوئی تھی وہ مانی جاتی اور رجسٹر رکھے شروع کئے جاتے تو اب یہ دقت پیش نہ آتی اس بل کے اندر بھی یہ تجویز کی گئی ہے کہ ایسے رجسٹر رکھنا گورنمنٹ شروع کرئے کہ جس میں ایج (age) درج کی جائے۔ میں عرض کرتا ہوں کہ ہندو کوڈ (Hindu Code) میں بھی ایج (age) کا ذکر ہے دراصل ہمارے ہندوستان میں میرج رجسٹر (marriage register) کی بہت ضرورت ہے ۔ اور ہمیں اسکا فوراً انتظام کردینا چاہیئے ۔

جہاں تک سوشل جسٹس (social Justice) کا سوال ہے میں اس کے بارے میں مسز رے (Mrs. Ray) پر ہی چھوڑتا ہوں کہ وہ اس قانون میں کتنی سوشل جسٹس (social Justice) پاتی ہیں ۔ میں ہندو کوڈ (Hindu Code) کے بارے میں اسوقت زیادہ عرض نہیں کرنا چاہتا ہوں لیکن اسقدر کہونگا کہ جو موجودہ وقت میں ہندو کوڈ کا پاس کرنا ضروری نہیں سمجھتے ہیں اُنکو ترقی کا دشمن سمجھنا واجب نہیں ہے ۔

جہاں تک مسٹر بھٹ (Mr. Bhatt) صاحب نے فرمایا ہے اُن کی تجویز میں نے سنی وہ ایسی ایک نرالی قسم کی تھی ۔ کہ گاؤں اور شہر کی لڑکیوں میں تفریق کی جائے ۔ دراصل صورت یہ ہے کہ جب گاؤں اور شہر کا سوال آتا ہے تو اُس میں انفرادی نشوونما کے بنا پر تفریق نہیں کی جاسکتی Logically عمر کے لحاظ سے ہر ایک شخص سے نشوونما دوسرے شخص سے مختلف ہوتے ہیں لیکن اسے فرق کا قانوناً عمر کے تعین میں لحاظ نہیں کیا جاسکتا ہے اگر ایسا کیا جاوے تو قانون بننا مشکل ہوجائیگا۔

(*English translation of the above speech*)

Pandit Thakur Das Bhargava: Mr. Speaker, Sir, there has been an interesting discussion on these Bills and I am grateful to the House that none of the honourable members who spoke have opposed these. It is true that there has been some opposition in regard to the methods suggested and this as it should have been. But so far as the principle of stoppage of child marriage is concerned, all the honourable members in this House are in agreement. And for this I congratulate the House. There was bound to be a difference of opinion amongst the people as to the preventive measures to be adopted. Many of the speakers, have raised the objection whether the cases which fall within the purview of this Bill should be made cognizable or not. There is a conflict of opinion on this. I would respectfully submit for the information of the House that in the first Bill which I introduced in 1946, I myself had treated the offence non-cognizable. This was my opinion as well as that of the Age of Consent Committee, as recorded in its report. That was appropriate in those days, but now about 18 years have passed since this Report was published and during this interval this Bill has been given wide publicity. Besides this it has also been found that Sarda Act has failed to prevent this evil because it treated the offence as 'non-cognizable'. I may claim to possess better knowledge of the excesses of the police. I may state for the information of those honourable members who have referred to the excesses committed by the Police that being a legal practitioner of about 40 years standing, I have been fully acquainted with this state of affairs. But this evil element exists in our

[Pandit Thakur Das Bhargava]

country since long. This is a disease which we have to eradicate. If this disease has become so virulent that it cannot be cured without an operation, then in my opinion in such a condition it is very necessary that a proper treatment should be found even by resort to an operation. There is no doubt in it that an operation is bound to be somewhat painful but in case this disease cannot be cured without an operation, then an operation will have to be performed. I had stated in the Statement of Objects and Reasons appended to the first Bill as below:

"The atrocious act in its essence constitutes a very heinous offence which but for unwanted interference in domestic matters and want of confidence in the police administration in the country should have been made a cognizable offence."

Just as my honourable friend Mr. Krishna Chandra Sharma has pointed out that if anybody steals articles worth even Rs. 5/- it constitutes a cognizable offence. But there is no reason why an offence, if committed by any person, which will affect the whole future life of the girl, should be treated as non-cognizable. In the statement of the Objects and Reasons appended to the second Bill wherein I have suggested to make such offences cognizable, it has been laid down as below:

"The provisions making the offences and cases cognizable are of drastic nature In so far as the police is even at present neither efficient nor free from corruption. But this aspect of the matter is applicable to all cognizable offences and cases.

"It must be realised that after 18 years during which the Sarda Act has been inoperation its provisions are more widely known than before.

"Moreover the malady is too persistent and virulent to be remedied by mild measures. The evil is too great to be tolerated even if its prevention causes uneasiness and annoyance to the public. The Sarda Act has almost been a dead letter in the rural areas and backward communities and marriages of children in arms and in early teens are very frequent resulting in the physical, economic and moral ruin of the nation. Any further dalliance with the evil of prepuberty consummation and early consummation which are eating into the very vitals of the society is simply criminal specially when we have got National Government and no measures however stringent can be deemed to be too drastic to prevent this evil which is so enormous in magnitude."

With due respects, I would like to submit to the House that in my bumble opinion there are only two ways by means of which we can remove this evil. Firstly this should be made a cognizable offence, even though such a course may be trouble-some to the people. Secondly in each case that is brought before the Court, imprisonment should be made compulsory on conviction. If the first suggestion is followed, then I am sure, we can fully combat this evil. Compulsory imprisonment on conviction will surely be irksome and I do not wish this should be so. Nobody wants that people should be subjected to hardships at the time of marriage and jubilation. The Marriage is the time for merriment, and I do not want that on the occasion of a marriage in any home, the bridegroom or his father or mother should be arrested. What I want is that in no way such things should happen. In addition to this, I would like to say a word, that so far as the marriage, laws and social crimes are concerned, these are covered by the existing provisions in Section 375 of the Indian Penal Code. And in case the Police prosecutes the persons accused of having committed offences which fall within the scope of this Bill, then it would create a good deal of unrest in the country. On the contrary, even if the police launches prosecution for the infraction of marital laws and the people are convicted, this would not give rise to so much commotion and unrest. It is possible now-a-days that if you marry a child and after the marriage the husband or the child husband and the child wife are allowed to be closetted, a crime may be committed as it is usual under Section 375 of the existing Act (I.P.C.). The Police can interfere

in such cases. Accordiug to the provisions of Section 375 I.P.C., the punishment for such offences is not confined to one or two years only but it can extend up to ten yeahs. I therefore say that in order to obviate such a contingency when these heinous crimes may be committed, it would be desirable and advisable to award punishment for the offences of early consummation. This Bill provides a maximum punishment of 3 months' imprisonment for the commission of such an offence. I hope that every body will agree that if the provisions of this Bill relating to marriage are strictly observed then it would be the correct way for the prevention of offences under the Indian Penal Code. We should frame laws to prevent such marriages.

My honourable friend Prof. Shibban Lal Saksena has remarked "Prevention is better than cure". In my opinion this is quite true, and this principle is the real panacea to cut the Gordian knot, and we should try to make stringent the marriage laws so that no such marriage may take place in contravention of the law. This is far better a course than invoking the provision of I.P.C. and ruining the whole family. That family to which the husband belongs will also be ruined and consequently he will sever his connections with his wife. So if it is desired to get, rid of the evil the present legislation should be framed in this manner, and everybody will admit that this is the right measure for preventing early marriage. So far as to its being made cognizable I too in view of the attitude of the Police, do not like their interference in the domestic affairs.

Another point to which I would like to draw your attention is that the suggestion put forth by Mr. Chaudhuri that this offence should be made 'non-bailable' instead of 'cognizable'.

I do not understand how it will prevent the commission of such an offence merely by making it a 'non-bailable'. In my humble opinion, there will hardly be any difference by making it 'non-bailable'. In do not want that bail should not be accepted from any person. The object of bail is that the person may present himself before the court. I do not want to make bail a punitive measure. By making this offence non-bailable, this should not be made punitive. Therefore, I do not appreciate this suggestion though the Select Committee would be authorized to look into this matter.

The Honourable Dr. Ambedkar has stated that he does not want to commit himself to anything. But I want to say that the House is committed to one principle *i.e.*, prevention of early consummation, and further so far as age is concerned the boy and girl must have attained the age of 20 and 16 years respectively at the time of marriage. And such are the prinoiples enunciated in these Bills. In my humble opinion the House is not committed to the methods suggested. The Age of Consent Committee have suggested some remedies which should be looked upon with respect because that was a unanimous report. In that connection, I must say that ten members were appointed on that Committee and about 3 lacs of rupees were spent thereon and the Committee considered this matter for about 10 months and after this they made their recommendations in regard to the remedial measures. But 18 years have passed since that Committee was set up, and if we can evolve better proposals, then we must do so. I will not have any objection if the Government wants to introduce any new Bill. I am simply afraid that the Government have already wasted one year. Last year I was told that a Bill would be introduced in the ensuing Session. In my humble opinion, there is no other matter which is more important than this. This Bill should be passed without any delay and the marriageable age advanced. Along with this the Age of Consent Bill is another necessity. But its real importance cannot be realized. We should not wait for a minute. It is the duty of the National Government to get this Bill passed and brought into force forthwith.

[Pandit Thakur Das Bhargava]

Apart from this, another suggestion was made that marriage should be annulled. The Age of Consent Committee has also referred to this matter in their Report. I cannot say how far it will be possible to act upon this. I have an open-mind on this, but I feel that it would be much better to treat this offence as cognizable instead of annulling the marriage because many people would not like this recourse. Nevertheless this suggestion can be judged on its own merits. I have very carefully listened to the speech of my honourable friend Sir Muhammad Sa'adulla, and with due derence, I would like to draw his attention to Page 61 of the Report of the Age of Consent Committee which *inter alia* mentions about his evidence and gives an account of the conditions prevailing in Assam. It is a matter of deep regret that our leaders who keep themselves well-informed in every respect remain ignorant and are misled in such matters. Sir Sa'adu la has stated that child marriage is not prevalent amongst the Muslims in Assam. I will just quote a few lines for the information of the House from which it would be evident that how far our well-informed leaders also are unable to realize the evils of early consummation. It has been stated at Page 61 that in Assam there are no child mariages below the age of 5 but an equally satisfactory state of affairs is not however revealed when the later age periods of 5 to 10 and 10 to 15 are taken into consideration.

"The percentage of married girls between 10 and 15 in 1921 was 25·9. The number of married girls between 10 and 15 among Hindu in 1921 was 54,449, being 27 per cent. of the total number and among Muslims 38,828, being 34 per cent. of the total. But conditions vary so much in different parts of the Province that an inaccurate idea will be conveyed by these averages."

Similarly it has been further stated:

"It is interesting to note that Muslims in this valley are very much addicted to the practice of early marriage, their numbers approximating those of Hindus in Goalpara; 42 girls between 5 and 10 and 473 between 10 and 15 are married. The total number of Muslims in this valley is about 6 lakhs."

I may respectfully submit that even though after presenting this Bill I cannot overlook this fact that very people are aware of the conditions prevailing in the rural areas in this sphere. Therefore, it has become all the more necessary that we should pass this Bill without delay.

In addition to this, some more of criticism have been levelled. Mrs. Ray has stated that one of the difficulties to be encountered in the operation of this Bill is to find out the 'age'. I realize that the question of age does not arise in this Bill only. This exists in the Sections relating to abduction, kidnapping in he Indian Penal Code and many other such Sections. Again in the Civil Law, the question of majority arises. So these difficulties are found in many places. These will affect the Marriage-Laws also. If the recommendations contained in the Report of the Age of Consent Committee had been accepted and action taken to maintain the registers, then this difficulty would not have arisen now. It has also been proposed in this Bill that the Government should take steps to keep such registers wherein age should be recorded. I may say that the Hindu Code also refers to age. Indeed Marriage Register is an imperative necessity in this country, and we should introduce this immediately.

So far as the question of social justice is concerned, I leave it to Mrs. Ray to find out how much social justice exists in this Bill. At the moment I do not want to speak much about the Hindu Code. But I venture to say that it would not be proper to regard those who do not consider it necessary to pass the Hindu Code at present as enemies of progress.

I have also listened to the suggestion made by Mr. Bhatt which is quite a novel one *viz.*, that distinction should be made between the girls living in rural and urban areas. In fact the position is that when the question of cities *vis-a-vis*

villages arises, then it is not possible to make any discrimination on the basis of individual development. Logically the development of every person differs from each other according to age. But in the determination of age such matters cannot be legally considered. If this is done, it would become well nigh impossible to frame the law.

Mr. Speaker: I am afraid a detailed reply to every point is not necessar It is for the Select Committee to consider the various points made by honourab members.

پلڈت ٹھاکر داس بھارگو : میں اس واسطے ادب سے عرض کرونگا کہ جہاں تک ان تینوں بلوں کا سوال ہے یہ سلیکٹ کمیٹی کو سپرد کر دئیے جاویں -

Pandit Thakur Das Bhargava: Therefore, I will respectfully submit, Sir, that so far as these three Bills are concerned, these may be referred to the Select Committee.

Mr. Speaker: The question is:

"That the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 3, 4, 5, 6 and 10) the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of Sections 2 and 4), and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13), be referred to a Select Committee consisting of Dr. Bakhshi Tek Chand, Shri Prabhudayal Himatsingka, Shrimati G. Durgabai, Begum Aizaz Rasul, Shrimati Dakshayani Velayudhan, Shri M. Ananthasayanam Ayyangar, Shri Krishna Chandra Sharma, Sardar Hukam Singh, Shri Ajit Prasad Jain, Shri P. Kunhiraman, Shri Deshbandhu Gupta, Shri Upendranath Barman, Dr. B. Pattabhi Sitaramayya, and the Mover, with instructions to report not later than the last day of the first week of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Shri K. Santhanam (Madras: General): Is the Law Minister a Member?

Mr. Speaker: He is the *ex-officio* Chairman of every official or non-official Committee.

Shrimati G. Durgabai (Madras: General): With the leave of the House I would ask that the name of Mrs. Renuka Ray may be included in the Select Committee.

Mr. Speaker: It is too late now. I was proceeding to put the motion to the House.

Shrimati G. Durgabai: I request the Mover to accept it.

Mr. Speaker: Is it accepted by the Mover?

Pandit Thakur Das Bhargava: I have no objection.

Mr. Speaker: Then, in the names put forward, I am adding the name of Mrs. Renuka Ray.

The question is:

"That the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 3, 4, 5, 6 and 10) the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of Sections 2 and 4), and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13), be referred to a Select Committee consisting of Dr. Bakhshi Tek Chand, Shri Prabhudayal Himatsingka, Shrimati G. Durgabai, Begum Aizaz Rasul, Shrimati Dakshayani Velayudhan, Shri M. Ananthasayanam Ayyangar, Shri Krishna Chandra Sharma, Sardar Hukam Singh, Shri Ajit Prasad Jain, Shri P. Kunhiraman, Shri Deshbandhu Gupta, Shri Upendranath Barman, Dr. B. Pattabhi Sitaramayya, Shrimati Renuka Ray and the Mover, with instructions to report not later than the last day of the first week of the next session and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

پنڈت ٹھاکر داس بھارگو - موشن (Motion) نمبر دو کے بارے میں مجھے صرف یہ عرض کرنا ہے کہ ہاؤس نے اس بل کو سرکولیشن (Circulation) کے لئے بھیجا تھا - لیکن ابھی مجھے معلوم ہوا ہے کہ سارے پراونسز (Provinces) سے (Opinions ابھی نہیں آئی ہیں اس لئے میں اس بل کو پیش کرنے سے قاصر ہوں - اسلئے جب وہ Opinions آجاویلگی تب ہاؤس کے سامنے پیش کرونگا -

(*English translation of the above speech.*)

Pandit Thakur Das Bhargava (East Punjab: General): In regard to motion No. 2, I have only to state that the House had sent this Bill for circulation. But I have just been informed that opinions from all the Provinces have not yet been received. Therefore, I am unable to move the motion. When the opinions have been received, I will move it.

Mr. Speaker: He does not make any motion. Very well.

CRIMINAL TRIBES (REPEAL) BILL.

Prof. N. G. Ranga (Madras: General): I learn that the Government are quite prepared to take early steps to appoint a Committee to enquire into the possibilities for giving effect to the objective with which I have sought to move this Bill; that is, to liberate all these millions of people who have been castigated as criminal tribes and treated so shabbily in different provinces, and I do trust that Government will not take very long before they appoint this Committee and try to save these people from this horror of the Criminal Tribes Act and all that follows in its train. It is on that assurance, and on that understanding that I beg leave of the House not to make this motion at this stage.

Mr. Speaker: He does not make a motion.

Prof. N. G. Ranga: I do not want to make this motion now.

INDIAN PENAL CODE (AMENDMENT) BILL
(Amendment of Section 124A)

Pandit Mukut Bihari Lal Bhargava (Ajmer-Merwara): I am not moving my Bill further to amend the Indian Penal Code but I wish it to be kept alive.

PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

Shrimati G. Durgabai (Madras: General): I beg leave of the House to withdraw the Bill further to amend the Provincial Insolvency Act, 1920.

I am happy to announce to the House that my point which has been raised in my Bill has been accepted in the official Bill passed in the last Session.

Mr. Speaker: Has the honourable member the leave of the House to withdraw?

The Bill was, by leave of the Assembly, withdrawn.

INDIAN COMPANIES (AMENDMENT) BILL.

(Amendment of Section 86F)

Dr. P. S. Deshmukh (C.P. and Berar: General): I have been promised by the Honourable the Minister for Commerce that this Bill further to amend the Indian Companies Act, 1913, will be taken into consideration when a more comprehensive Bill will be brought forward by Government. Under these circumstances, I do not propose to make any motion just now, but I would like the Bill to be kept alive.

Mr. Speaker: He wants to keep it alive.

Dr. P. S. Deshmukh: Yes.

Mr. Speaker: Very well.

[*At this stage Mr. Speaker vacated the Chair, which was then occupied by Shrimati Ammu Swaminadhan (one of the Panel of Chairmen.)*]

INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

Shri T. A. Ramalingam Chettiyar (Madras: General): I am assured by the Government that all the cases to be dealt with by the Bill have had the benefit which they should have had under the Bill. In view of that I beg leave to withdraw the Bill further to amend the Indian Bar Councils Act, 1926 and the Legal Practitioners Act, 1879.

Mr. Chairman: Has the honourable member leave of the House to withdraw?

The Bill was, by leave of the Assembly, withdrawn.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(Amendment of Sections 496 and 497)

Pandit Thakur Das Bhargava (East Punjab: General): I do not want to proceed with my motion regarding the Bill further to amend the Code of Criminal Procedure, 1898, but I wish it to be kept alive as at present.

1. INDIAN COMPANIES (AMENDMENT) BILL.

(Amendment of Sections 25, 31, 82 etc.)

2. SPECIAL MARRIAGE (AMENDMENT) BILL.

Dr. P. S. Deshmukh (C.P. and Berar: General): I do not wish to move the motion regarding the Bill further to amend the Indian Companies Act, 1913. But I would like the Bill to be kept alive.

The same remarks apply to my motion regarding the Bill further to amend the Special Marriage Act, 1872.

1. CALCUTTA PORT (AMENDMENT) BILL.

2. BOMBAY PORT TRUST (AMENDMENT) BILL.

3. MADRAS PORT TRUST (AMENDMENT) BILL.

Mr. R. K. Sidhva (C.P. and Berar: General): These motions, Nos. 13, 15 and 34, relate to the Bombay, Calcutta and Madras Port Trusts Acts. These Bills mostly related to the constitution of the Boards and to various other amendments to the administrative clauses. As we know the constitution has been changed by the official Bill that was presented by the Honourable the Minister for Transport and passed.

As regards the other parts of the Bill, the Honourable Minister has stated in regard to them, that he is bringing forward a comprehensive Bill later on. Therefore I do not want to move these three motions.

WORKERS' PROVIDENT FUND BILL.

Mr. R. K. Sidhva (C.P. and Berar: General): This Bill relates to the establishment and grant of Provident Fund. My Bill is a comprehensive one, but I was told by the Honourable the Minister that he was presenting a Bill which would be far better than my Bill. Well, I shall be glad when this Bill is brought forward because it is a very good thing that Provident Fund should be provided for every worker, who after 35 years of service can look forward to something in his old age. Since the Honourable the Labour Minister has told me that he is bringing in soon a better Bill, I do not want to move it.

PREVENTION OF FREE OR FORCED OR COMPULSORY LABOUR BILL.

Mr. R. K. Sidhva (C.P. and Berar: General): This is a very important Bill. It relates to punishment for free or forced or compulsory labour. This has been a disgrace to society and to the country which has tolerated this state of affairs for over 100 years. In the Geneva Conference it has been agreed that forced labour should be abolished immediately. There are certain Acts now also existing in Bombay, Bengal and the Punjab. The Honourable the Minister has told me that he has appointed a special officer. He absolutely realizes the importance of abolishing this forced labour. The special officer he has appointed has I am told collected literature and he will complete his report within six months. Therefore, he has advised me to hold over this Bill. So, I do not move it.

HINDU MARRIAGES VALIDITY BILL

Pandit Thakur Das Bhargava (East Punjab: General): Madam, I do not want to move my motion regarding the Bill to provide that marriages between Hindus, Sikhs, Jains and other different castes and sub-castes are valid, but I want to keep the Bill alive.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(*Amendment of Sections* 4, 29*A*, *etc.*)

Pandit Thakur Das Bhargava (East Punjab: General): As regards the next motion relating to the Bill further to amend the Code of Criminal Procedure, 1898 I am given to understand that the Government is going to bring a Bill on the same lines and therefore I do not want to move this.

MOTOR VEHICLES (AMENDMENT) BILL.

Mr. R. K. Sidhva (C.P. and Berar: General): Madam, this Bill relates to the Motor Vehicles Act, 1939. The object of the Bill is to mitigate the number of fatal accidents that occur through motor lorries. It has been suggested that Governors should be affixed to corburettors and that the limits should be automatically fixed, so that accidents may be avoided. There have been many fatal accidents occurring all over India and also in Delhi. It has been proved by the answers that we have received in this Assembly and the previous Assembly. I would like to hear the Honourable Minister before moving the motion.

Mr. Chairman: Is the honourable member moving his motion?

Mr. R. K. Sidhva: I do not want to move, Madam. The Honourable Minister told me this morning that he had already discussed the subject matter of this Bill with provincial governments and his own government and himself are in agreement with this measure. But he feels that a rule should be made instead of an Act of this nature. I therefore wanted to know from him whether he is prepared to make the rule, then I would at once withdraw the motion. Otherwise I will hold on until the Honourable Minister makes a move.

INDIAN JUDICIAL PROCEDURE BILL.

Pandit Thakur Das Bhargava (East Punjab: General): Madam, I have been told that there is some constitutional difficulty about this Bill but so far as that is concerned I am convinced that it is perfectly competent for this legislature to pass a Bill of this nature. This Bill was sponsored by Sir Hari Singh Gour and it was he who requested me to introduce this Bill on his behalf. Since he himself happens to be here I would rather like that he and those who are of the opinion that there is some constitutional difficulty confer together and come to an understanding. For the present I would not like to move the Bill but would like to keep it pending.

INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

Shri M. Ananthasayanam Ayyangar (Madras: General): Madam, I do not want to move my motion regarding the Bill further to amend the Indian Bar Councils Act, 1926.

CRIMINAL TRIBES (REPEAL) BILL.

Shri M. Ananthasayanam Ayyangar (Madras: General): Also I do not want to move my motion regarding the Bill to repeal the Criminal Tribes Act, 1924.

CIVIL MARRIAGES BILL.

Dr. Sir Hari Singh Gour (C.P. and Berar: General): Madam, I move for leave to introduce a Bill to provide for a form of marriage and for registration of other marriages in certain cases.

[Dr. Sir Hari Singh Gour]

I have given in my Statement of Objects and Reasons a few words summarising the genesis of this very important measure. I wish to point out that this measure is about a century old. It was first introduced in the old Council by that distinguished lawyer and jurist Sir Henry Maine but after his term of office expired it continued in the hands of another distinguished English lawyer, Sir James Stephen. After that the Bill became law as the Act of 1872 truncated to all intents and purposes by the reactionary elements in the country. When I happened to join this Assembly I tried to revise the Civil Marriage Bill on the ground that the state must provide a civil marriage law for its people irrespective of caste, creed and nationality. It went to a Select Committee and there I had to face single-handed a battery of opposition from all sides with the result that the Bill emerged from that Committee in a still more truncated form than the Bill which became law in 1872. However, as a small compromise, that Bill was passed and became Act XXX of 1923. Since then I have been hoping that I shall have the opportunity of reviving my Bill in a more representative House and I am glad that my ambition and prayer have been fulfilled and I find before me a more representative gathering than I had 25 years ago.

Mr. Chairman: May I point out that the honourable member has not had the leave of the House yet to introduce his Bill.

Dr. Sir Hari Singh Gour: Madam. I understand that my time is limited to 10 minutes, and I am going to finish in a few minutes. I hope, Madam, that I shall have the chance of taking this House at a later stage through more details of this Bill. In the meantime I crave the leave of the House to introduce the Bill.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to provide for a form of marriage and for registration of other marriages in certain cases."

The motion was adopted.

Dr. Sir Hari Singh Gour: Madam, I introduce the Bill.

DENTISTS (AMENDMENT) BILL.

Mr. R. K. Sidhva (C.P. and Berar: General): Madam, I beg to move for leave to introduce a Bill to amend the Dentists Act, 1948.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to amend the Dentists Act, 1948."

The motion was adopted.

Mr. R. K. Sidhva: Madam, I introduce the Bill.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(Amendment of Section 488)

Dr. Sir Hari Singh Gour (C.P. and Berar: General): Madam, I move for leave leave to introduce a Bill further to amend the Code of Criminal Procedure 1898, (Amendment of Section 488).

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure 1898 (Amendments of Section 488.)"

The motion was adopted.

Mr. R. K. Sidhva: Madam, I introduce the Bill.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 26th August, 1948.